

A STUDY OF  
LAW ENFORCEMENT  
IN THE STATE OF  
NORTH CAROLINA

APRIL, 1991

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Senator Helen R. Marvin (Co-Chair)  
Senator David R. Parnell  
Representative Doris R. Huffman (Co-Chair)  
Representative Howard Hunter, Jr.

In 1990, with the new legislative session,

Representative David Redwine  
Representative Gerald Anderson

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Study staff included:

Alan Curtis - Drug Policy/Department Organization

Robert Hicks - Compensation-Classification

Larry Greene - Compensation-Classification

Paul Menniere - Computer Analysis

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A SUMMARY OF RECOMMENDATIONS  
FOR THE  
STATE LAW ENFORCEMENT STUDY

- A-1 We recommend that the State of North Carolina adopt a law enforcement management strategy and organize its law enforcement efforts around two major agencies:

A Lead Criminal Law Enforcement Agency

A Lead Traffic Law Enforcement Agency

- A-2 We recommend that it should clearly differentiate between regulatory agencies and law enforcement agencies and staff and compensate them accordingly.
- A-3 SBI should be the designated lead criminal law enforcement agency.
- A-4 The Highway Patrol should be the designated lead traffic law enforcement agency.
- A-5 Agencies with jurisdictional criminal law enforcement duties, e.g. Wildlife, Campus Police, etc., are not affected by the proposed changes.
- A-6 Insurance Investigators, Secretary of State's Securities/Commodities Investigators and Medicaid Fraud Investigators should be designated as regulators who, as they discover a possible criminal violation, should turn it over to SBI for a full criminal investigation.
- A-7 We recommend that the Legislature, in order to prevent future fracturing of the Law Enforcement System, organize a Joint Commission on Public Safety. This standing committee will hear all state and local public safety related bills and will be best able to advise the legislature as to appropriate actions.
- B-1 We find that the State of North Carolina pays its law enforcement personnel well. Based on the regional survey of benchmark classes, we find that North Carolina law enforcement personnel receive 10 to 20 percent more than their counterparts in the Southeast. Of the 139 jobs we evaluated, 107 exceed regional norms, 16 equal them and only 3 are less. Moreover, of the 107 that exceed regional norms, 16 exceed them by more than 20 percent (each grade equals 5 percent) and need to be corrected.

B-2 We recommend that the special pay provisions adopted in 1984 and which benefited the Highway Patrol alone be abandoned to preserve the integrity of the overall law enforcement pay plan.

B-3 We propose that these classes be "civilianized" upon vacancy:

Security Chief - Agriculture  
Security Officers - Cultural Resources - Archives  
Security Officers - Cultural Resources - Arts  
Security Officers - State Schools\* and Hospitals  
Police Officers - State Schools\* and Hospitals  
Security Officers - Justice  
Security Officers - Training and Standards  
Hunter and Boater Safety Coordinator  
Insurance Investigators and Supervisors  
Securities and Commodities Investigators and Supervisors  
Port Police  
General Assembly Police  
Motor Vehicle Process Officers and Supervisors  
Motor Vehicle Law Enforcement - Inspectors and Supervisors  
Historic Site Manager  
Safety Officers  
Parks Operations Chief  
SBI Forensic Photographer  
SBI Forensic Chemist  
SBI Forensic Chemist II  
SBI Forensic Chemist III  
SBI Forensic Chemist Supervisor III  
SBI Forensic Chemist Supervisor IV  
FBI Forensic Serologist I  
FBI Forensic Serologist II  
FBI Forensic Serologist Supervisor  
SBI Forensic Analyst I  
SBI Latent Evidence Technician  
SBI Latent Evidence Supervisor  
Special Investigator - Medicaid Fraud  
SBI Latent Evidence Assistant Supervisor  
Wildlife Enforcement Training Director  
Special Investigation Supervisor  
Assistant Director of Crime Laboratory  
SBI Fingerprint Identification Supervisor

\* Not including universities.

Criminal Information Auditor  
Criminal Information Audit Supervisor  
Criminal Information Training Specialist  
Scales Mechanic  
Administrative Assistant  
Parking Control Supervisor  
Medicaid Fraud Investigator Supervisor  
SBI Assistant Director - Administrative Services  
Locksmith II  
Motor Vehicle Training Coordinator  
Automated Fingerprint ID Systems Manager  
Driver Ser. Training Officer  
Staff Development Specialist I  
Departmental Purchasing Agent II  
Computer Systems Coordinator I  
Fingerprint ID Technician II  
Fingerprint ID Processing Supervisor  
Deputy Director Medicaid Fraud  
ALE Training Coordinator  
Wildlife Telecommunicator Manager

B-4 We propose that the following be civilianized upon vacancy:

ALE Director  
ALE Deputy Director  
SBI Director  
SBI Deputy Director  
Wildlife Enforcement Assistant Administrator  
Wildlife Enforcement Administrator  
Motor Vehicles Commissioner  
DMV Law Enforcement Director  
DMV Law Enforcement Assistant Director  
Parks and Recreation Deputy Division Director  
Parks and Recreation Chief of Operations  
Parks Operations Chief

B-5 It seems to us that the Special Separation Allowance, originally intended as a "golden handshake" to encourage early retirements and open promotional opportunities for younger officers, is an excessive and unjustified benefit and we would encourage the State to discontinue it. The State is more than generous with its law enforcement personnel but it need not adversely affect the morale of non-law enforcement state employees by being excessive.



- C-1 The general content of the Basic Law Enforcement Training Program is job related for all eligible state law enforcement officers except the following learning objectives and ought to be excluded from the basic curriculum given to all the officers:

|             | <u>Learning Objective</u>    | <u>Est. Time</u> |
|-------------|------------------------------|------------------|
| 5.01.1      | FCC Regulations              | 1 hr.            |
| 8.01        | Juvenile Laws and Procedures | 8 hrs.           |
| 11.01.13    | Robbery Response             | 2 hrs.           |
| 12.01       | Community Relations          | 4 hrs.           |
| 17.01       | Crisis Management            | 10 hrs.          |
| 19.01.5-.11 | Strike                       | 4 hrs.           |
| 23.0        | ABC Laws                     | <u>4 hrs.</u>    |
|             |                              | 33 hrs.          |

We propose that an area of instruction related to courtroom security be added in light of tasks discovered in the analysis. Topics would address role of bailiff, testifying officers, etc.

- C-2 We recommend that additional funds be found for the continued and expanded operation of the State Criminal Justice Education and Training Standards Commission, and the Criminal Justice Training Academy. We specifically recommend that Senate Bill 431, the North Carolina Law Enforcement Training Fund Act, be adopted.
- C-3 We propose a three-part definition that a state law enforcement officer is someone who, having taken an oath of office according to GS 11 Article 2 Section 11:
1. needs and is granted the power of arrest to perform his/her essential duties.
  2. needs to be armed to carry out his/her essential duties.
  3. is required by the criminal Justice Education and Training Standards Commission to be certified and, as such, must attend and pass the Core Curriculum defined above.

- D-1 Formally identify the SBI as the lead drug enforcement agency and give them the responsibility for the coordination of the State's eradication program.
- D-2 Merge the State Bureau of Investigation (SBI) and Alcohol & Liquor Enforcement (ALE).
- D-3 Use the Governor's Crime Commission as a catalyst for the accomplishing of the State Drug Enforcement Goals. As a sub-recommendation, the commission and State should continue and enhance the efforts of multi-jurisdictional task forces.
- D-4 Consideration should be given to implementing a small program and staff to act as a clearing-house for people who are trying to coordinate their efforts in the area of prevention, treatment, education and enforcement.
- D-5 We do not see a need to transfer the state Highway Patrol to the Department of Transportation and do not recommend any such transfer.
- F-1 We recommend, in keeping with our general principle of seeking opportunities to consolidate services, that the DMV Enforcement Unit, its resources and responsibilities, be merged with the State Highway Patrol.
- F-2 We feel that the staff that is incorporated into the Highway Patrol need not exceed 100 to 130 sworn officers, who should become full Highway Patrol Officers.
- F-3 Furthermore, compared to other states, the fifty safety inspectors currently on staff are probably more than can be successfully absorbed and consideration ought to be given to cutting the number in half.
- F-4 We also studied the tasks performed by Process Officers and Inspectors and find that they are more regulators than law enforcement personnel. They do not require the power of arrest to exercise their primary duties of inspection, collection of revoked plates and bad checks, etc. These officers are not more exposed to danger than the County Tax Collector and should go about their duties without benefit of sworn status.

- F-5 We recommend that Highway Patrol Officers, including the commercial vehicle enforcement unit, be empowered to enforce drug laws on the highways of the State of North Carolina as they come upon them. Any planned effort at interdiction should be coordinated through the SBI.
- G-1 Based on job content and national practice, the SBI Lab personnel should not be law enforcement officers. They should not receive the Law Enforcement Pension, should not carry weapons, and should not receive a clothing allowance.
- H-1 We recommend that Park Rangers be treated as certified officers and be extended all law enforcement benefits.
- H-2 We also recommend that the five- or six-member Forest Law Enforcement Officer class be abandoned and that the functions and responsibilities of that class be incorporated within the Wildlife Resources Commission. Wildlife Enforcement Officers have much broader visibility and access and forest law enforcement is a natural extension of their work.
- I-1 We feel that, despite the many activities in which the Crime Prevention Division is involved, the State cannot afford to maintain a special unit of this sort. Not only does it duplicate some services but it may provide operational level assistance which is really the responsibility of the local agency.

We recommend that the CPD be eliminated and its responsibilities for training, programming and distribution of literature be transferred to the CJA.

We think that moving three or four staff positions should suffice to help the CJA to carry out its new responsibilities.

J-1 We recommend that Butner Public Safety be disbanded. Specifically, we recommend that police and fire services be provided by the counties, Wildlife Officers patrol state lands, and that new security personnel provide protective services to state buildings and property.

A STUDY OF STATE-LEVEL  
LAW ENFORCEMENT IN NORTH CAROLINA

STUDY OVERVIEW

## INTRODUCTION

In the 1989 Legislative Session, the North Carolina General Assembly authorized a study of State law enforcement agencies and other State agencies having law enforcement responsibility. The following language designates the focus of the study as specified in Chapter 752, Section 107:

The Joint Legislative Commission on Governmental Operations shall conduct a study of State law enforcement and shall address:

1. Methods to coordinate the activities of these agencies as appropriate and reduce duplication and overlapping of law enforcement responsibilities, training, and technical assistance among State law enforcement agencies and among other State agencies having law enforcement responsibility;
2. An analysis of the salary grades of all State law enforcement officers and a determination whether salary grades are appropriate; and
3. An analysis of SBI agent pay relative to the State personnel system and a determination whether agents' pay ought to be adjusted.

To conduct an analysis of these issues, the Commission was authorized to hire a consultant. It prepared a Request for Proposals which specified the following work:

1. Identify qualifications that appropriately define a State law enforcement officer;
2. On the basis of unit jurisdiction and responsibilities, determine whether they are appropriately assigned to their respective departments;
3. Identify duplication and overlapping jurisdictions and responsibilities among State law enforcement groups and develop a plan to ensure coordination, notification, and safety;
4. Assess the current structure of basic and advanced curricula for State law enforcement personnel;
5. Develop, based upon responsibilities, a sound and equitable salary plan with an appropriate compensation package to include salary plan, benefits, and retirement for State law enforcement personnel.

The target populations of this study included the more than 3,200 law enforcement personnel assigned to the following agencies:

- Department of Administration
- Department of Agriculture
- University System/Public Instruction
- Crime Control and Public Safety
- Butner Public Safety
- Highway Patrol
- Air National Guard
- Cultural Resources
- Human Resources
- Justice
- Alcohol Law Enforcement
- State Bureau of Investigation
- Environmental Health and Natural Resources
  - Wildlife
  - Marine Fisheries
  - Forest Resources
  - Park Rangers
- Department of Motor Vehicles
- Insurance
- Secretary of State
- Department of Commerce
- General Assembly

#### STUDY CONDUCT

The Systems Design Group was selected to perform this work and the project began in earnest in January of 1991. The various methodologies we employed are described in detail at the beginning of each section below. Furthermore, as the study team conducted numerous interviews with agency administrators, line personnel, supervisors, managers, and legislators, an understanding of the State law enforcement system began to emerge. We recognized early on that the study elements described above could be treated separately for purposes of analysis but that the recommendations we would make had to be part of a law enforcement strategy. The problems we found and/or confirmed did not exist in isolation but, inevitably, were a result of the inefficiencies and inadequacies of the State law enforcement system.

Specifically, we found a system that is fractured and suffering from, as one top administrator put it, "turfism". Agencies seek to expand areas of enforcement, acquire more resources and hold on to those they already have. Costs have escalated without any great

additional benefit (see Drug Enforcement Section). Agencies are seeking expansion in order to put more people to work solving problems but the real effect, since these efforts are not always coordinated, is often simply to duplicate effort. Finally, a system has evolved in which agencies work at cross purposes, intelligence is not shared, some agencies are understaffed and others have excessive resources.

We propose that the recommendations which follow in each of the sections be considered in the context of the law enforcement management strategy we will describe now.

We feel that the State of North Carolina should organize its law enforcement efforts around two major agencies:

A Lead Criminal Law Enforcement Agency

A Lead Traffic Law Enforcement Agency

and that it should clearly differentiate between regulatory agencies and law enforcement agencies and staff and compensate them accordingly.

We discuss these concepts in detail below but in brief they mean the following:

1. SBI should be the designated lead criminal law enforcement agency. The duties and personnel of Alcohol Law Enforcement should be assigned to it for full integration into the SBI.
2. The Highway Patrol should be the designated lead traffic law enforcement agency. The duties and some of the personnel of the DMV Enforcement Unit should be transferred to the NCHP for full integration.
3. Agencies with jurisdictional criminal law enforcement duties, e.g. Wildlife, Campus Police, etc., are not affected by the proposed changes.
4. Insurance Investigators, Secretary of State's Securities/Commodities Investigators and Medicaid Fraud Investigators should be designated as regulators who, as they discover a possible criminal violation, should turn it over to SBI for a full criminal investigation. This is the common practice for many State regulatory agencies and should apply to the three (3) subject groups as well. Those positions involved in these activities should be transferred to SBI for selection and integration within the Financial Crimes Unit.



5. In order to prevent future fracturing of the Law Enforcement System, organize a Joint Legislative Commission on Public Safety. This standing committee will hear all public safety related bills and will be best able to advise the legislature as to appropriate actions.

A STUDY OF LAW ENFORCEMENT  
COMPENSATION AND CLASSIFICATION

## INTRODUCTION

The Request for Proposals, in response to several recurring pay and classification issues, asked that the following questions be examined:

- 1) What are the appropriate classification and pay ranges of state law enforcement personnel?
- 2) How do North Carolina state law enforcement salaries compare to similar classifications within the Southeastern region?
- 3) Should Alcohol Law Enforcement agents receive all the benefits commonly available to other state law enforcement personnel?
- 4) What is the impact of the 1984 salary adjustment package provided the Highway Patrol on other law enforcement personnel?
- 5) Should laboratory, technical and administrative state law enforcement positions receive the same compensation package as field or line positions?

## METHODOLOGY

In order to address each of the issues outlined above, we prepared and distributed a Job Analysis Questionnaire (See Appendix A of this Section) which was distributed to all law enforcement personnel (over 3200) identified in the study RFP. Each person was asked to fill one out although classes which are heavily populated (e.g. Highway Patrol Officer) were allowed to submit one on behalf of a large number of personnel if all those personnel agreed as to the contents of the JAQ.

The JAQ's were collected and reviewed as to form and substance. Those JAQ's which were not clear or for which we needed more information to evaluate were set aside for follow-up interviews, i.e. desk audits. Ultimately, over sixty different classes out of the 145 identified in the study were subjected to desk audits.

In order to evaluate each class and establish the comparable values of all the subject classes, the JAQ's of each class were reviewed and rated along the following dimensions:

Qualifications Required  
Mental Effort  
Consequences of Action  
Work Controls  
Personnel Contacts

Safety of Others  
Physical Effort  
Work Environment  
Hazards  
Supervisory Authority  
Personnel Supervised

(Each of these factors has a pre-defined point value range of up to ten levels.)

The project analysts reviewed the classes assigned point values and then arranged the job from the lowest rating to the highest. (The work sheets are available starting at P20 of Appendix B.)

Classes for which no JAQ's were submitted were not rated and are excluded from the study. As it was, we rated 129 classes and omitted only 16 due to the non-response of the incumbents.

The results of this phase are included in List 1 and identify from bottom to top the results of the evaluation.

Concurrent to the job evaluation, we conducted, with the much-valued assistance of the State Office of Position Management, a pay survey of selected law enforcement classes in the Southeastern region. We chose thirty different classes which would serve as our benchmarks, collected original data, and reviewed recent regional studies. The result of these analyses was to identify the range of compensation, from minimum to maximum and mid-point, for each of the subject classes in the region. Tables 1-4 show those results.

Study staff reviewed the pay data and the evaluation results and using a simple linear regression (See Appendix C) established a payline which relates grade level to evaluation points (See Table 5).

We then related the evaluation points to the new grades and arranged them (See List 1) to show the difference between our study grade (Column identified as HES) and the current grade (Column identified as NC).

#### FINDINGS AND RECOMMENDATIONS

Compensation - We find that the State of North Carolina pays its law enforcement personnel well. Based on the regional survey of benchmark classes, we find that N.C. law enforcement personnel receive 10 to 20 percent more than their counterparts in the Southeast. Of the 129 jobs we evaluated, 100 exceed regional norms, 16 equal them and only 3 are less. Moreover, of the 100 that exceed regional norms, 16 exceed them by more than 20 percent (each grade equals 5 percent) and need to be corrected.

## LIST 1

## ALLOCATION ANALYSIS

| <u>CLASS</u>                | <u>HES</u> | <u>Grade</u><br><u>NC</u> |        |
|-----------------------------|------------|---------------------------|--------|
| * Mil. Sec Guard            | 57         | 64                        |        |
| Sec. Off 1                  | 57         | 60                        |        |
| * Fing. Pr. Tech II         | 57         | 64                        |        |
| MV Process Off              | 58         | 62                        |        |
| Park Ranger 1               | 60         | 60                        |        |
| Sec. Off II                 | 60         | 61                        |        |
| * WEO I                     | 61         | 66                        |        |
| Parking Cont. Sup.          | 61         | 61T                       |        |
| Cap. Sec. Off.              | 62         | 65+                       |        |
| Hist. Site Man.             | 62         | 64                        |        |
| Scales Mech                 | 62         | 64                        |        |
| MFE01                       | 62         | 66                        |        |
| PARK RANGER II              | 62         | 62                        |        |
| Com. Sys. Coord             | 62         | 66                        |        |
| Sec. Off III                | 63         | 63                        |        |
| Mil. ec. Sup.               | 63         | 66                        |        |
| Trooper                     | 63         | 66                        |        |
| WEO II                      | 63         | 67                        |        |
| MFE0II                      | 63         | 67                        |        |
| PO1                         | 64         | 64                        |        |
| PSO1                        | 64         | 65                        |        |
| PSO Sen.                    | 64         | 66+                       |        |
| Sec. Ch.                    | 64         | 65                        |        |
| ALE AgI                     | 64         | 65                        | 66 (x) |
| Troop (Sr)                  | 64         | 67                        |        |
| * Fing. Pr. ID Process Sup. | 64         | 68                        |        |
| * Fing. ID Tech Sup         | 64         | 70                        |        |
| * MFE Ass. Sup.             | 64         | 71                        |        |
| Forest Tech II              | 64         | 66                        |        |
| Park Ranger III             | 64         | 64                        |        |
| LEO I                       | 64         | 64                        |        |
| PSOMaster                   | 65         | 68+                       |        |
| ALE Ag II                   | 65         | 67                        | 68(x)  |
| SBI Tech Ag Tr              | 65         | NG                        |        |
| Crim. Inf. Tra. Spc         | 65         | 68                        |        |
| Park Sup. I                 | 65         | 65                        |        |
| SOI                         | 65         | 66                        |        |
| VEO II                      | 65         | 66                        |        |
| POIII                       | 66         | 66                        |        |

| <u>CLASS</u>           | <u>HES</u> | <u>Grade</u><br><u>NC</u> |
|------------------------|------------|---------------------------|
| Sec Ch II              | 66         | 66                        |
| ALE Ass. Sup.          | 66         | 70                        |
| Trooper Master         | 66         | 68                        |
| SBI For Anal. 1        | 66         | 68+                       |
| LatEv Tech             | 66         | 69                        |
| * Auto. Fing Sys. Man. | 66         | 75                        |
| Crim. Info. Aud.       | 66         | 68                        |
| Fing Pr. Id Sup        | 66         | 70                        |
| Park Sup 1             | 66         | 67                        |
| VE Sup 1               | 66         | 68                        |
| PS Sup                 | 67         | 65                        |
| PO IV                  | 67         | 67                        |
| SBI Agent I            | 67         | 70                        |
| * W.E. Tr Dir          | 67         | 74                        |
| * Chem I               | 67         | 72                        |
| * For. Ser. 1          | 67         | 72                        |
| * Dept. Purch Off      | 67         | 72                        |
| WE Area Leader         | 67         | 69                        |
| Ins. Invest            | 67         | 69                        |
| Ins. S.S.              | 67         | 69                        |
| Sec Inv                | 67         | 71T                       |
| Sec. Comm.             | 67         | 71T                       |
| FLEO I                 | 67         | 69                        |
| Pol. Ch                | 68         | 68                        |
| Lat Ev. Ass. Sup       | 68         | 71                        |
| Cr. Inf. Aud. Sup.     | 68         | 70                        |
| Law Enf Pilot          | 68         | 70                        |
| * MFEO Sup             | 68         | 74                        |
| SO II                  | 68         | 68                        |
| LEO II                 | 68         | 71                        |
| HP Line Sgt.           | 69         | 71                        |
| Agent II               | 69         | 71                        |
| * Spec Inv.            | 69         | 76                        |
| WE Asst. Sup.          | 69         | 71                        |
| VE Sup II              | 69         | 69                        |
| LEO (DMV) III          | 70         | 72                        |
| Pub Saf Asst Ch        | 70         | 73                        |
| ALE Sup                | 70         | 73                        |
| HP First Sgt           | 70         | 73                        |
| SBI Tech Agent         | 70         | 72                        |
| SBI Agent III          | 70         | 72                        |
| Chem II                | 70         | 74                        |
| For Ser II             | 70         | 74                        |
| Sr. Tech Agent         | 70         | 74                        |
| * ALE Tr. Coord        | 70         | 75                        |

74(x)

| <u>CLASS</u>             | <u>HES</u> | <u>Grade</u><br><u>NC</u> |
|--------------------------|------------|---------------------------|
| Hunter Boat Safety Coord | 70         | 72T                       |
| FLEO II                  | 70         | 72                        |
| Park Super IV            | 70         | 71                        |
| Pol./PS Dir I            | 71         | 73                        |
| * Sup/Spec               | 71         | 78                        |
| * Chem III               | 71         | 76                        |
| Lat Evi Sup              | 71         | 73                        |
| SE Di Sp                 | 71         | 74                        |
| Ins. Inv. Sup            | 71         | 73                        |
| Sec. Inv. Su             | 71         | 73T                       |
| Pub Safety Ch            | 72         | 75                        |
| HP Lt                    | 72         | 74                        |
| SBI Ass. Sup             | 72         | 74                        |
| Spec Serv Con.           | 72         | 74                        |
| Pilot Sys                | 72         | 72                        |
| Parus Dist sup           | 72         | 73                        |
| SBI Tech Ser. Sys        | 73         | 75                        |
| Med. Fraud Sup           | 73         | 77T                       |
| LE asst. Dir (DMV)       | 73         | 74                        |
| Pol./Pub Safety Dir. II  | 74         | 75                        |
| ALE Dep Dir              | 74         | 75                        |
| HP Co Pt                 | 74         | 76                        |
| Chem Sup III             | 74         | 77                        |
| SBI Spec Unit Sup        | 74         | 76                        |
| WE Asst Admin            | 74         | 76                        |
| Pol./Pub Safety, Dir ECU | 75         | 76                        |
| SBI Dist Sup             | 75         | 76                        |
| Asst. Dir - Lab          | 75         | ?                         |
| Chem Sup IV              | 75         | 78                        |
| For. Ser. Sup.           | 75         | 77                        |
| Ins. Dep.-Ch Inest       | 75         | ?                         |
| Pol./Pub Saf. Dir III    | 76         | 77                        |
| HP Major                 | 76         | 78                        |
| SBI Asst. Dir.           | 76         | 80T                       |
| SBI Sr Asst. Dir         | 76         | 80                        |
| P/R Chief of Ops         | 76         | 76                        |
| LE Dir - DMV             | 76         | 77                        |
| SBI Asst. Dir. F.S.      | 77         | 80                        |
| SBI Chp. Inv.            | 77         | 78                        |

| <u>CLASS</u> | <u>HES</u> | Grade<br><u>NC</u> |
|--------------|------------|--------------------|
| HP Lt Col.   | 78         | 80                 |
| ALE Dir.     | 78         | 77                 |
| WE Admin     | 78         | 78                 |
| SBI Dep Dir  | 80         | 82                 |
| HP Col.      | 83         | 84                 |
| SBI Dir      | 85         | 84                 |

VL:djb



TABLE 1

## NORTH CAROLINA PAY DATA SUMMARY

N. C. PERSONNEL OFFICE SURVEY

|                                 | <u>Min.</u> | <u>Max.</u> | <u>Average</u><br><u>Mid. Pt.</u> |
|---------------------------------|-------------|-------------|-----------------------------------|
| 1. Security Officer I           | \$14,879    | \$22,036    | \$18,833                          |
| 2. Security Chief               | 19,189      | 29,476      | 25,224                            |
| 3. ALE Agent I                  | 19,688      | 29,771      | 24,870                            |
| 4. Law Enforcement Officer I    | 18,123      | 27,301      | 21,915                            |
| 5. Vehicle Enforcement Officer  | 16,788      | 25,128      | 20,454                            |
| 6. Law Enforcement Pilot        | 25,935      | 39,912      | 32,863                            |
| 7. Latent Evidence Exam. I      | 20,941      | 31,910      | 25,556                            |
| 8. Police/Public Safety Dir. II | 27,396      | 46,093      | 42,172                            |

TABLE 2

SBI SALARY SURVEY DATA, OF SEPTEMBER 5, 1989, (10 STATES)  
 UPDATED BY 5.1% TO ADJUST FOR TIME SINCE SEPTEMBER 1, 1989

|                                  | <u>Min.</u> | <u>Max.</u> | Average<br><u>Mid. Pt.</u> |
|----------------------------------|-------------|-------------|----------------------------|
| Director SBI                     | \$53,668    | \$73,678    | \$65,436                   |
| SBI Deputy Director              | 40,400      | 63,815      | 53,056                     |
| SBI Asst. Dir. of Field Services | 34,131      | 55,634      | 46,763                     |
| SBI Agent II                     | 23,471      | 37,308      | 28,899                     |
| SBI District Supervisor          | 28,856      | 46,695      | 38,194                     |
| SBI Technical Agent              | 25,137      | 37,837      | 30,148                     |
| Evidence Tech.                   | 18,345      | 27,704      | 21,155                     |
| Chief Evidence Tech.             | 27,841      | 39,583      | 32,299                     |

TABLE 3

SOUTHEASTERN SALARY SURVEY, 1990, 13 S.E. STATES  
 (ADJUSTED UP BY A FACTOR OF 2.5 FROM 3.4 COL X .66 FOR  
 8 MONTHS FROM JULY 1, 1990 TO PRESENT)

|                       | <u>Min.</u> | <u>Max.</u> | Average<br><u>Mid. Pt.</u> |
|-----------------------|-------------|-------------|----------------------------|
| Police Officer I      | \$17,313    | \$26,513    | \$21,895                   |
| State Police Trooper  | 21,147      | 32,444      | 26,302                     |
| State Police Sergeant | 26,063      | 39,377      | 32,265                     |
| SBI Agent (II)        | 25,104      | 39,612      | 32,321                     |
| Chemistry Supv. IV    | 31,477      | 48,758      | 40,491                     |
| Chemist II            | 25,845      | 39,389      | 33,287                     |

TABLE 4

PARKS SURVEY; SUMMARIZED BY MARGARET GRAHAM LETTER OF AUGUST 31, 1990  
 UPDATED BY AN ARBITRARY FIGURE OF 4%, I.E. 3.4 COL X .66 FOR 2-3  
 MONTHS IN 1991. RATES WERE EFFECTIVE DECEMBER 1989

|                          | <u>Min.</u> | <u>Max.</u> | Average<br><u>Mid. Pt.</u> |
|--------------------------|-------------|-------------|----------------------------|
| Parks Ranger I           | 16,398      | 24,418      | 20,330                     |
| Parks Ranger II          | 16,772      | 24,397      | 20,537                     |
| Parks Ranger III         | 20,127      | 29,236      | 24,368                     |
| <br>Parks Supt. I        | <br>19,676  | <br>30,397  | <br>24,723                 |
| Parks Supt. II           | 20,458      | 31,368      | 25,793                     |
| Parks Supt. III          | 22,490      | 34,778      | 28,618                     |
| Parks Supt. IV           | 24,155      | 35,958      | 29,829                     |
| <br>Parks District Supt. | <br>29,409  | <br>44,956  | <br>36,906                 |

TABLE 3

Point Brackets Using Equation From Analysis One

| <u>Grade</u> | <u>Points</u>  |
|--------------|----------------|
| 57           | 705 - 728      |
| 58           | 729 - 754      |
| 59           | 755 - 782      |
| 60           | 783 - 812      |
| 61           | 813 - 844      |
| 62           | 845 - 878      |
| 63           | 879 - 914      |
| 64           | 915 - 953      |
| 65           | 954 - 993      |
| 66           | 994 - 1036     |
| 67           | 1037 - 1082    |
| 68           | 1083 - 1129    |
| 69           | 1130 - 1179    |
| 70           | 1180 - 1231    |
| 71           | 1232 - 1285    |
| 72           | 1286 - 1341    |
| 73           | 1342 - 1402    |
| 74           | 1403 - 1466    |
| 75           | 1467 - 1533    |
| 76           | 1534 - 1604    |
| 77           | 1605 - 1678    |
| 78           | 1679 - 1756    |
| 79           | 1757 - 1837    |
| 80           | 1838 - 1922    |
| 81           | 1923 - 2012    |
| 82           | 2013 - 2107    |
| 83           | 2108 - 2207    |
| 84           | 2208 - 2312    |
| 85           | 2313 - 2420    |
| 86           | 2421 - 2536    |
| 87           | 2537 - 2657    |
| 88           | 2658 - 2784    |
| 89           | 2785 - 2917    |
| 90           | 2918 or higher |

Our recommendation for these classes, which have been asterisked on List 1, is that the Office of Position Management review our work and ratings and OPM's evaluation to determine whether there is a misunderstanding. If there is no such problem, those positions should be "tagged" for down-grading upon vacancy.

Our recommendations for pay equity and classification are included as the assigned HES Grades on List 1. Other than finding that pay is relatively high, we feel that the basic classification plan is sound and well administered.

However, we have other findings and recommendations related to compensation and benefits:

1. A decision, however well-intended, to award greater pay to a particular class or group of classes without any change in job content, employment requirements, etc. is ultimately counter-productive. The basic notion of a differentiated pay plan is that not all jobs are equal in value but should be compensated for their worth relative to other jobs and the marketplace. Thus, a pay plan based on quantitative factors is designed to produce a system which is objective, fair and more acceptable to the whole spectrum of employees. However, if outside forces, having nothing to do with job content, employment requirements, etc., intervene to raise the salary of a class or group of classes, then the entire system is distorted and its fundamental premises of objectivity and fairness are undermined.

As a result of the job evaluation survey, the pay survey and the task analysis study (described elsewhere) we have designed a new grade structure which we urge the State to adopt. However, in its adoption, the State must recognize that adjustments made in one class that are not made in others will destroy the pay plan's internal logic. Consequently, we recommend that the special pay provisions adopted in 1984 and which benefited the Highway Patrol alone be abandoned to preserve the integrity of the overall law enforcement pay plan.

2. We believe that the power of arrest is to be granted sparingly and consistent with the demands of each job. Our task analysis study and the job evaluation of each class has revealed that there are numerous jobs (over 60) which have been awarded that power but have only an incidental need for it, if at all, to carry out their essential\* duties.

The job evaluation process (See Appendix A) allowed each person to express in his or her own words the content and requirements of the particular class. Our review of these Job Analysis Questionnaires,

\* We use this term to mean fundamental, basic, necessary and vital.

the follow-up interviews and task analysis questionnaires allowed us to make a judgment as to which jobs require the power of arrest to carry out their primary/regular duties and, implicitly, which classes can function without the power of arrest and, thus, be exempt from the Law Enforcement Officer Pension Plan. The following are the classes which we feel do not need the power of arrest to carry out their primary/regular duties and that their being granted that power is inappropriate. Finally, we propose that these classes be "civilianized" upon vacancy.

- Security Chief - Agriculture
- Security Officers - Cultural Resources - Archives
- Security Officers - Cultural Resources - Arts
- Security Officers - State Schools\* and Hospitals
- Police Officers - State Schools\* and Hospitals
- Security Officers - Justice
- Security Officers - Training and Standards
- Hunter and Boater Safety Coordinator
- Insurance Investigators and Supervisors
- Securities and Commodities Investigators and Supervisors
- Port Police
- General Assembly Police
- Motor Vehicle Process Officers and Supervisors
- Motor Vehicle Law Enforcement - Inspectors and Supervisors
- Historic Site Manager
- Safety Officers
- Parks Operations Chief
- SBI Forensic Photographer
- SBI Forensic Chemist
- SBI Forensic Chemist II
- SBI Forensic Chemist III
- SBI Forensic Chemist Supervisor III
- SBI Forensic Chemist Supervisor IV
- FBI Forensic Serologist I
- FBI Forensic Serologist II
- FBI Forensic Serologist Supervisor
- SBI Forensic Analyst I
- SBI Latent Evidence Technician
- SBI Latent Evidence Supervisor
- Special Investigator - Medicaid Fraud
- SBI Latent Evidence Assistant Supervisor
- Wildlife Enforcement Training Director
- Special Investigation Supervisor
- Assistant Director of Crime Laboratory
- SBI Fingerprint Identification Supervisor

\* Not including universities.

Criminal Information Auditor  
Criminal Information Audit Supervisor  
Criminal Information Training Specialist  
Scales Mechanic  
Administrative Assistant  
Parking Control Supervisor  
Medicaid Fraud Investigator Supervisor  
SBI Assistant Director - Administrative Services  
Locksmith II  
Motor Vehicle Training Coordinator  
Automated Fingerprint ID Systems Manager  
Driver Ser. Training Officer  
Staff Develop Specialist I  
Departmental Purchasing Agent II  
Computer Systems Coordinator I  
Fingerprint ID Tech II  
Finger Print ID Proc. Supervisor  
Deputy Director Medicaid Fraud  
ALE Training Coordinator  
Wildlife Telecommunicator Manager

We also feel that it is inappropriate that law enforcement agency administrators be granted the power of arrest and belong to the LEO despite the fact that their job does not require the power of arrest to carry out their primary duties. As administrators advance through the agency sworn ranks, it is reasonable that they carry with them their law enforcement benefits. However, agency administrators who come in at the top deserve a negotiated executive compensation package but not the Law Enforcement Pension by right. The LEO is provided to line level personnel for the risks and sacrifices attendant to their daily work or during their career. Consequently, we propose that the following be civilianized upon vacancy:

ALE Director  
ALE Deputy Director  
SBI Director  
SBI Deputy Director  
Wildlife Enforcement Assistant Administrator  
Wildlife Enforcement Administrator  
Motor Vehicles Commissioner  
DMV Law Enforcement Director  
DMV Law Enforcement Assistant Director  
Parks and Recreation Deputy Division Director  
Parks and Recreation Chief of Operations  
Parks Operations Chief



To implement civilianization of the above classes, we suggest a three- or five-year phase-in of reduced pension benefits. In the first instance, the State contribution is reduced to four percent in the first year, two percent in the second and one percent in the third. In successive years, the State makes no additional contributions beyond the regular pension. In the second plan, the percentage of state contribution drops by one percent each year until the State's participation is completely phased out. Upon full implementation, the State will save over \$600,000 in additional pension costs.

Finally, the Special Separation Allowance granted to Law Enforcement Officers strikes us as an excessive benefit. Specifically, we have already determined that North Carolina pays its sworn personnel ten to twenty percent more than other states in the region. We also recognize that pension benefits are more generous and available sooner to a retiring state officer than to the regular state employee. Thus, it seems to us that the Special Separation Allowance, originally intended as a "golden handshake" to encourage early retirements and open promotional opportunities for younger officers, is an excessive and unjustified benefit and we would encourage the State to discontinue it. The State is more than generous with its law enforcement personnel but it need not adversely affect the morale of non-law enforcement state employees by being excessive.

For those readers not familiar with this benefit, the Special Separation Allowance is a monthly cash payment made to eligible retirees until they reach age 62. Based on a calculation of an officer's years of service times .85% times his last annual salary, the officer is eligible to receive it after thirty years of service or age 55, whichever comes first. As an illustration, if a Highway Patrol Major, age 56 with 32 years of service and earning \$62,000 per annum, chose to retire July 1, 1991, he would receive \$16,860 for each of six years in addition to his regular pension and state-paid health insurance. Currently, there are 256 persons drawing the Special Separation Allowance from Central Payroll. The average annual benefit is \$8,640. If all the personnel (105) who will be eligible to take the benefit this year do so, it will cost the State an additional \$912,000.

This benefit may also be deriving a negative impact from the problem it was designed to solve, i.e. increasing promotional opportunities. Once a person reaches 30 years of service, he is foolish to stay on, thus he leaves, taking with him significant operational knowledge. Furthermore, he is replaced with a less experienced person. The practical result of this lavish benefit can be to remove skilled supervisors and managers prematurely from public safety service at a time when the quality of supervision is of increasing importance, e.g. negligent failure to supervise, use of force, etc.

Finally, there are no significant cost savings gained from replacing higher cost, senior officers with newer persons since the promotion differential tends to be around five percent; but, the new person hired at the bottom is paid "new dollar" health benefits and needs to be trained. Also, each year all the persons who moved up go to new pay steps, thus wiping out even the modest initial savings.

Another indicator of how costly and ineffective this benefit is that our survey shows is that no other state in the Southeast that we know of offers this benefit to its law enforcement personnel.

A STUDY OF BASIC LAW  
ENFORCEMENT TRAINING AND  
CERTIFICATION

## INTRODUCTION

The RFP has asked that an analysis of state law enforcement training be conducted to ensure that its content is relevant to the work of law enforcement personnel and that its delivery is efficient and effective. Furthermore, the RFP raised concerns whether the North Carolina Justice Academy, having reached its capacity to organize and deliver training, would be adversely affected by new demands. Thus, delivery systems, content and clients (training obligations) need to be studied as well.

Specifically, the RFP asked that the study:

- 1) Determine whether the current structure and curricula of training all state law enforcement officers is appropriate;
- 2) Provide recommendations for necessary changes;
- 3) Identify who should receive law enforcement training and be certified as a law enforcement officer.

## METHODOLOGY

In order to determine the content of law enforcement jobs in fifteen different agencies, we organized a detailed list of tasks (See Appendix A) which represents the broad scope of common law enforcement tasks plus tasks drawn from N.C. State Personnel Class Specifications. This list was reviewed, edited, and used to produce two questionnaires. Appendix B (Line Officer Responses) and Appendix C (Supervisory Responses) were distributed at five different locations under the supervision of the consultants. An average twenty percent sample of line officers and supervisors from each of the agencies was invited to fill out the questionnaires. Line officers rated each of the tasks for how often it was performed, if at all. (See Exhibit 1.) Supervisors rated the tasks along two dimensions. One was an assessment of how important proper performance of each task is, if the people they supervise perform it or are expected to. The second was an assessment of when the task ought to be learned; on-the-job, in the basic law enforcement training program, or a combination of the two, or higher level training. (See Exhibit 2.)

We received 390 useful line officer questionnaires out of the 425 distributed. We also received 132 questionnaires from supervisory personnel. The agency breakdown for each group is as follows:

# EXHIBIT 1

## TASK STATEMENTS

### INSTRUCTIONS

The following pages contain tasks that may be performed by line level law enforcement officers. The tasks have been sorted into common functional areas (arrest, patrol, etc.). Please rate the tasks in terms of the FREQUENCY with which you have performed them in the last twelve months or since your employment as a law enforcement officer, if less than twelve months. Use the 9-point scale to assign FREQUENCY ratings and enter the number in the column to the right of the task statement. IF YOU HAVE NEVER PERFORMED A TASK, LEAVE THE SPACE IN THE FREQUENCY RATING COLUMN BLANK.

| Frequency Scale  |                        |                              |         |                               |        |                              |       |                                 |
|--|------------------------|------------------------------|---------|-------------------------------|--------|------------------------------|-------|---------------------------------|
| During the last twelve months I have performed this task on the average of |                        |                              |         |                               |        |                              |       |                                 |
| 1  | 2                      | 3                            | 4       | 5                             | 6      | 7                            | 8     | 9                               |
| Have done<br>this task<br>but not in<br>past year                          | Once<br>in the<br>last | Several<br>times<br>per year | Monthly | Several<br>times<br>per month | Weekly | Several<br>times<br>per week | Daily | More<br>than<br>once<br>per day |

Remember you are to describe only your own experiences. Tasks which YOU have not performed, but which are generally performed in your agency, will be identified by other officers in the survey. Therefore, do not be concerned that an important task will be omitted from further consideration if you do not rate it.

If a task occurs with an AVERAGE frequency somewhere between two scale positions (e.g., between several times a year and monthly) choose the scale value which is closer to the actual frequency. For the three points on the scale where the term SEVERAL is used (po

3, 5 and 7), consider "several times" to be two or greater.

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EXAMPLE: In the following example, the officer assigned a frequency rating of 4 (monthly) to the first task. Since this task was performed approximately 15 times during the past twelve months, a rating of 4 was the most appropriate because it averaged almost once a month. The second task was left blank because the officer never performed the task. The third task was rated an 8 (Daily) since seldom a day goes by that a narrative report of some kind is not written. The fourth task was rated a 2 (once a year) since this task has been performed only once this year. Finally, the fifth task was rated a 7 because the officer performed the task two or three times a week.

|  | Frequency<br>Rating |
|--|---------------------|
| 1. Assist stranded motorists.....              | <u>4</u>            |
| 2. Stamp serial numbers on bicycles.....       | <u>      </u>       |
| 3. Write narrative reports.....                | <u>8</u>            |
| 4. Evacuate persons from a dangerous area..... | <u>2</u>            |
| 5. Mediate family disputes.....                | <u>7</u>            |

NOTE: PLEASE TURN THE PAGE AND READ EACH TASK STATEMENT. IF YOU HAVE PERFORMED THE TASK, INDICATE THE APPROXIMATE RATING IN THE SPACE PROVIDED. IF YOU HAVE NOT PERFORMED THE TASK, LEAVE THE SPACE BLANK.

EXHIBIT 2

INSTRUCTION FOR RATING TASKS

The North Carolina General Assembly has undertaken a project to study numerous issues related to state law enforcement personnel.

You are one of over 100 supervisors who have been asked to read each of the tasks which follow and, if they are performed by the personnel you supervise, rate them in two different ways. One is your assessment of what the consequences of one of your officer's doing a particular wrong might be. The other is your opinion as to when each task is best learned and competence achieved.

On the following pages are examples of the two scales. Please read them.

Consequences of Inadequate Performance:

| CONSEQUENCES OF INADEQUATE PERFORMANCE SCALE                     |                        |                   |         |                 |                      |            |
|--|------------------------|-------------------|---------|-----------------|----------------------|------------|
| The consequences of Inadequate Performance<br>for This Task are: |                        |                   |         |                 |                      |            |
| 1  | 2                      | 3                 | 4       | 5               | 6                    | 7          |
| Minimal  | Not<br>Very<br>Serious | Fairly<br>Serious | Serious | Very<br>Serious | Extremely<br>Serious | Disastrous |

Example:

In the following example, the supervisor used the scale to rate the Consequences of Inadequate Performance for the tasks performed by law enforcement officers who work for him. The supervisor rated the first task a 6 (Extremely Serious) because the consequences of failing to properly dust and lift a latent print may result in the inability to prosecute a dangerous individual. The second task was rated a 2 (Not Very Serious) indicating the consequences of inadequate performance of this task are not very damaging. The third task was left blank because the supervisor determined that officers in his agency do not perform the task and/or are not expected to. The fourth task was rated a 4 (Serious) indicating the consequences of inadequately diagramming an accident scene are serious in nature.

|  | Rating        |
|--|---------------|
| 1. Dust and lift latent fingerprints.....      | <u>6</u>      |
| 2. Dictate reports into recording devices..... | <u>2</u>      |
| 3. Dispose of unclaimed property.....          | <u>      </u> |
| 4. Diagram accident scene.....                 | <u>4</u>      |



When Learned:

| WHEN LEARNED SCALE   |   |   |   |
|--|---|---|---|
| When Should This Task Be Learned<br>and Competence Achieved? |   |   |   |
| 1  | 2   | 3   | 4   |
| On the<br>Job  | Some Academy<br>Preparation<br><u>Necessary</u><br>But Achieved<br>on the Job | Competence<br>Must Be<br>Achieved in<br>the Academy<br>Prior to<br>Assignment | In Specialized<br>Training<br>Beyond the<br>Basic Recruit<br>Curriculum |

Example:

In the following examples, the supervisor used the scale to rate When Learned for each of the tasks performed. The supervisor rated the first task 1 to indicate that the task is learned exclusively on the job. The second task was rated 3 to indicate that the recruit officer must be able to operate a vehicle before he is assigned. The last task was not rated because it is either not done or not expected to be done in the agency.

- |                                |                   |
|--------------------------------|-------------------|
|                                | When Learned      |
| 1. File police reports.....    | <u>1</u>          |
| 2. Operate patrol vehicle..... | <u>3</u>          |
| 3. Lift latent prints.....     | <u>          </u> |

Please read each of the tasks and rate them. Remember: If a task is not done in your department or agency or your officers are not expected to do it, please leave the space blank.

Thank you.

|                  | <u>Line</u> | <u>Supervisors</u> |
|------------------|-------------|--------------------|
| SBI              | 44          | 10                 |
| SBL - Lab        | 22          | 5                  |
| HP               | 119         | 21                 |
| Wildlife         | 33          | 9                  |
| ALE              | 14          | 4                  |
| Parks            | 14          | 11                 |
| Cap. Pol.        | 6           | 5                  |
| Sec. St.         | 3           | 1                  |
| Ports            | 2           | 1                  |
| Forest           | 6           | 1                  |
| MVE              | 25          | 23                 |
| MVP              | 16          | 4                  |
| MVI              | 13          | 3                  |
| Mar. Fish.       | 6           | 4                  |
| Ins.             | 4           | 2                  |
| Butner           | 10          | 3                  |
| Campus           | 28          | 13                 |
| Camp. Comp.      | 12          | 3                  |
| Security         | 8           | 2                  |
| Sec. Comp.       | 4           | 4                  |
| General Assembly | <u>1</u>    | <u>1</u>           |
|                  | 390         | 132*               |

\* Total includes supervisors from the ANG, which ultimately was not included in the study.

The responses from each person were entered onto computer tape and processed, listing the cumulative values in each of the three areas separately by the agency groups identified above.

We reviewed the printouts and transferred data onto the Task Analysis Summary Report (Appendix D) using the following rules:

A task was transferred to the summary report if 20% of the line personnel had performed it (indicated by an "X") and a minimum of 20% of the supervisors in each group rated it as 3.0 or higher in Criticality and awarded it a When Learned value between 1.75 and 3.0 (indicated by 0). Thus, a task which has an "0" in a particular agency space indicates that this is a task for which job incumbents ought to receive entry level training.

A task could also be added to the list if it was found to be so important (greater than 6.0) to be performed properly regardless of frequency, e.g., shooting a gun at someone, and necessary to be learned in an entry-level academy. If this is the case, that status is denoted by a triangle,  $\Delta$ .

We then reviewed each of the tasks in Appendix D and searched for those which all the responding agencies performed and received either the  $\otimes$  or  $\Delta$  to signify it as a task for which training had to be done. However, we did not find very many such tasks. Consequently, to avoid this distorting effect, we eliminated the following agency groups because they had so little overlap with other law enforcement agencies:

SBI Lab  
Secretary of State's Investigators  
Ports Police  
Forest Ranger  
Insurance  
Security Police  
Security Police - Company Commission  
General Assembly

(We will propose below that the personnel in the above categories, because of the nature (content) of their work and that they do not require the power of arrest to perform their essential duties to not be continued as certified law enforcement officers.)

Finally, we listed in Appendix E all the learning objectives of the Basic Law Enforcement Training Program and sought to validate each learning objective for each agency. In other words, if a learning objective could be demonstrated to be related to a particular task, then any agency which had either training symbol in its space would be found eligible to be taught materials related to that learning objective.

For example:

Learning Objective 26.01.06

Describe the proper procedure used in visually estimating the speed of a vehicle

is based on task #219

Observe moving vehicle to visually estimate speed.

The Task Analysis Summary Report shows that of the eligible agencies, the following do not perform the task to a level requiring training:

SBI  
Capital Police  
Marine Fisheries  
Campus Company Police

Consequently, this learning objective would not be a part of the core law enforcement curriculum because not all of the agencies perform it. However, it would be taught to those agencies which perform that task in the form of additional or agency-specific training.

#### FINDINGS AND RECOMMENDATIONS

The general content of the Basic Law Enforcement Training Program is job related for all eligible state law enforcement officers except the following learning objectives and ought to be excluded from the basic curriculum given to all the officers:

|             | <u>Learning Objective</u>    | <u>Est. Time</u> |
|-------------|------------------------------|------------------|
| 5.01.1      | FCC Regulations              | 1 hr.            |
| 8.01        | Juvenile Laws and Procedures | 8 hrs.           |
| 11.01.13    | Robbery Response             | 2 hrs.           |
| 12.01       | Community Relations          | 4 hrs.           |
| 17.01       | Crisis Management            | 10 hrs.          |
| 19.01.5-.11 | Strike                       | 4 hrs.           |
| 23.0        | ABC Laws                     | 4 hrs.           |
|             |                              | <u>33 hrs.</u>   |

We propose that an area of instruction related to courtroom security be added in light of tasks discovered in the analysis. Topics would address role of bailiff, testifying officers, etc.

We have also reviewed the scope of advanced training provided by the Justice Academy and the staff hours available for preparation and presentation. We concur with the finding contained on page 14 of the RFP that "the current level of training has reached its capacity both on campus and at local sites."

We recommend that additional funds be found for the continued and expanded operation of the State Criminal Justice Education and Training Standards Commission, and the Criminal Justice Training Academy. We specifically recommend that Senate Bill 431, the North Carolina Law Enforcement Training Fund Act, be adopted.

This bill would allocate resources derived from motor vehicle safety inspections to be used for operation of the general enforcement training systems.

Finally, we find that the current definition of law enforcement officer as commonly used is too broad and has opened access to the power of arrest and law enforcement benefits intended for operational level personnel to too many jobs not as well qualified as those originally intended. Specifically, we propose that the operating definition related to certification which is found in Chapter 17C-2(c) that state law enforcement officers are persons "who are sworn law enforcement officers ... with the power of arrest."

We propose a three-part definition that a state law enforcement officer is someone who:

1. needs and is granted the power of arrest to perform his/her essential duties.
2. needs to be armed to carry out his/her essential duties.
3. is required by the Criminal Justice Education and Training Standards Commission to be certified and, as such, must attend and pass the Core Curriculum defined above.

This definition will help clarify which classes are appropriately law enforcement in nature and define which classes deserve law enforcement benefits.

A STUDY OF DRUG  
ENFORCEMENT POLICIES,  
PRACTICES AND RESOURCES

## INTRODUCTION

The North Carolina Legislature has asked that the policies, practices, and resources of the State's drug enforcement program be reviewed in order that duplication of effort and overlapping of law enforcement jurisdiction and responsibilities be reduced if not eliminated.

The agencies involved in this analysis include the State Bureau of Investigation, North Carolina Highway Patrol, the Army National Guard and other State agencies which are involved in the enforcement of North Carolina drug laws.

Specifically, by way of background, in accordance with General Statutes 114.12 through 114.20.1 the State Bureau of Investigation (SBI) in the Department of Justice is responsible for the administration of the criminal laws of the State to prevent crime and to procure the speedy apprehension of criminals.

The duties of Highway Patrol under the administration of the Department of Crime Control and Public Safety as governed by General Statutes 20-184 through 20-196.3 are "subject to the rules, orders and regulations adopted by the Secretary of the Department of Crime Control and Public Safety, with the approval of the Governor, to regularly patrol the highways of the State, enforce all laws and regulations respecting travel and the use of vehicles, and protection of the highways of the State."

Three (3) programs administered by the federal Drug Enforcement Agency (DEA) are operational in the State - Forfeiture/Seized Property, Marijuana Eradication, and [Drug] Task Force.

- ° The SBI and the Highway Patrol participate in the Forfeiture/Seized Property and Marijuana Eradication Programs. The two State agencies are reimbursed on a predetermined percentage basis for their assistance. The SBI has been involved in the Forfeiture/Property Seized program since 1985 and the Highway patrol since 1986.
- ° The SBI has participated in the Marijuana Eradication Program since 1982, and the Highway Patrol's involvement began in 1988. This program entails search and surveillance by air of domestically grown marijuana generally between the months of May and October. The SBI, because of its jurisdiction in this area, initiates search and surveillance activities, and involves the local sheriff or police department with the operation.

The Highway Patrol's involvement in this program is initiated by a request from a local Sheriff or Police Department. The Department of Crime Control and Public Safety established a Marijuana Eradication Coordination Board in May or June, 1989. The purpose of the Board was to promote coordination of air searches. The Board included the Secretary of Crime Control and Public Safety and representatives from the SBI, the North Carolina Sheriff's Association, N.C. National Guard, the Governor's Air Operations Officer, and the Chief Pilot employed by the Highway Patrol. Between June and July there were ten (10) meetings scheduled throughout the State with local sheriffs to discuss coordination.

- ° The final program designed to check coastal drug traffic began in 1985 with the SBI's involvement with the Wilmington Task Force.

The activities of the SBI and Highway Patrol, however, are still conducted with limited efforts of coordination or notification. This results in manpower and equipment used to survey the same geographic areas, sometimes within a 24 to 48 hour time span.

Although not a State law enforcement group, the North Carolina Army National Guard also participated in a [marijuana] eradication support operation in Federal Fiscal Year 1989. Through a special Congressional allocation, the National Guard Bureau approved funding for an operation that was effective from June 1 through September 30, 1989. The purpose was to conduct aerial search, location, and identification of marijuana in the State's 100 counties, and to guide or transport law enforcement officers to seize and destroy identified drugs.

In Federal Fiscal Year 1990 the National Guard Bureau has, again, awarded grants to State units for the purpose of continuing or initiating drug surveillance activities. The North Carolina Army National Guard submitted a proposal in August, 1989 that was endorsed by the national office in December, 1989. The North Carolina Unit has received \$2,144,000 to continue surveillance activities.

The Governor's Crime Commission, a division that administers federal grant funds in the Department of Crime Control and Public Safety approved funds under the Drug Control and Systems Improvements [federal] Grants program for the Civil Air Patrol to conduct air reconnaissance to locate domestically grown marijuana. This activity was approved as a pilot operation for the Civil Air Patrol with a grant of \$51,646.



The legislature requested that the following issues be addressed:

- 1) Evaluate current procedures of all agencies in regard to drug enforcement activities and responsibilities as to cost effectiveness and success in addressing the drug problem
- 2) Develop a plan that addresses the jurisdiction of the law enforcement agencies to conduct marijuana search and surveillance.
- 3) Specify procedures that may be followed to ensure coordination, notification, safety, and better drug enforcement.
- 4) Determine whether the State Highway Patrol should be transferred to the Department of Transportation.

#### METHODOLOGY

In order to develop our recommendations, we surveyed 20 different States to identify model enforcement programs and prevalent practice as to designated lead agencies, staffing, use of multi-jurisdictional task forces, and the use of alcohol agents in the enforcement of drug laws. The States we surveyed include:

|             |                |
|-------------|----------------|
| Alabama     | South Carolina |
| Arkansas    | Virginia       |
| Delaware    | West Virginia  |
| Florida     | Tennessee      |
| Georgia     | Texas          |
| Kentucky    | Wisconsin      |
| Maryland    | Kansas         |
| Mississippi | Arizona        |
| Missouri    | Washington     |
| Nebraska    | New Jersey     |

We also reviewed relevant literature, some of which follows:

- ° Statistical and Annual Reports of relevant agencies (SBI, ALE, NCHP, NC Army Guard, Governor's Crime Commission)
- ° North Carolina 1991 Drug Control and System Improvement Strategies
- ° Executive Order #108
- ° Conference Summary: A National Conference on State and Local Drug Policy

- ° Distribution of Formula Grant Funds for Fiscal Years 1987-1990. BJA
- ° Multi-Jurisdictional Drug Control Task Force, Critical Components of State Drug Control Strategies. BJA
- ° Drug Free: A Plan of Action for the State of North Carolina.

Finally, we conducted on-site interviews with numerous personnel involved in drug enforcement at line and policy levels. They include personnel from several Sheriffs and Police Departments, International Association of Chiefs of Police (IACP), Police Executive Research Forum (PERF), and the following State agencies: State Bureau of Investigation (SBI), North Carolina Highway Patrol (NCHP), Alcohol and Liquor Enforcement (ALE), North Carolina Army National Guard, and Governor's Crime Commission.

We analyzed our collected information to formulate the findings and recommendations which follow below. However, please note that we made certain assumptions, based on fact, that have colored our recommendations and we feel that they should be stated explicitly. They are:

- ° North Carolina is experiencing extreme overcrowding in its jails, a large part of which comes from the success of drug enforcement.
- ° North Carolina's court dockets are backed up considerably.
- ° State Government is facing a large revenue short fall.
- ° Drug enforcement efforts take several forms with varying degrees of difficulty, resource needs, and expertise.
  1. Historical Grand Jury Task Forces
  2. Street-level Task Forces
  3. Street-level User/Dealer Enforcement
  4. "Knock & Talk"/"Trick or Treat" cases generated by intelligence or Crime Stoppers information
  5. Wire Tap Cases (often Task Force and only done on the Federal level in North Carolina)
  6. "Buy Busts" becoming more difficult as dealers become more sophisticated.

7. Interdiction usually accomplished by patrol and special projects along traffic corridors and borders.
8. Eradication programs to destroy marijuana cultivation.

#### FINDINGS AND RECOMMENDATIONS

The recommendations which follow are based upon current reality, prevalent practice, cost to benefit analysis and are intended to be practical while allowing flexibility for future concerns and trends.

#### INTRODUCTION:

In March of 1990, Lt. Governor James C. Gardner, as Chair of the North Carolina Drug Cabinet, released its report, A Plan of Action for the State of North Carolina. This is a very good and comprehensive report and we urge the State to follow through on its recommendations. A reading of the introduction makes for an excellent foundation for the reading of the recommendations to follow. Further, a reading of pages 3-13 concerning the establishment of State Drug Enforcement Agency does an excellent job of setting the tone for our own recommendations. This recommendation is sound in its rationale but has little likelihood of implementation because of limited resources. In our recommendations, we urge the rechanneling of existing resources. One should also read chapter six on State Coordination as a backdrop to this report because it helps put into context the needs of the State and our own recommendations.

RECOMMENDATION #1: Formally identify the SBI as the lead drug enforcement agency and give them the responsibility for the coordination of the State's eradication program.

The Governor's drug Board and all the States we surveyed recognize the need for one agency to coordinate drug enforcement. The SBI is already universally acknowledged as the lead agency by other law enforcement agencies but the agency itself is not sure of its authority. There needs to be a very clear delegation of authority to and accountability of the SBI. We also found in our survey either the state law enforcement investigative agency or State Patrol (where they had criminal code enforcement responsibility) were designated as their lead drug enforcement agency. Other reasons for naming the SBI as lead agency are as follows:

- ° It is the agency with the greatest existing drug enforcement experience and expertise.
- ° They already have good working relations with Federal enforcement agencies, i.e. DEA and FBI.
- ° They have the State's most significant intelligence program which is supported by grant funds from the Governor's Crime commission. The intelligence program along with use of drug analysts has considerable potential for growth and important enforcement efficiencies.
- ° They are in the best position to coordinate and synthesize the information and efforts involving other crimes and crime organizations as they relate to drug enforcement and visa versa.
- ° They have a good prevention program already up and operating in DARE that needs statewide coordination.
- ° The SBI has the lab facilities which are very important to all law enforcement and could be used as a catalyst for additional intelligence.

In regards to the eradication of marijuana, which is a significant problem in the State, there is a general impression something is wrong with this program. This perception probably developed through the State's Sheriffs Departments as they attempted to deal with the different State agencies (SBI, NCHP, North Carolina Army Guard). Each agency has a different mission and criteria for use. One also must recognize this is primarily a program for the Sheriffs who compete for resources during peak times and have different relationships with each agency. To some extent, this generates a shopping for services between agencies. Another problem in this area is the newness of two of the agencies (NCHP and Army Guard) to the program has resulted in a normal amount of trial and error and mistakes in the coordination effort. A good effort was made last year through the Marijuana Eradication Coordination Board to coordinate the efforts of all the agencies. To some extent, this effort broke down because it was new and the learning curve had not yet improved the working relationships. The important thing to remember is each agency brings important resources and relationships to this program but each has different needs and requirements because their missions are different. Improvement in service delivery has already been made. Continued improvement is possible. By designating a lead agency, all who seek services will know who can coordinate their needs with the resources of all other agencies. Following are the strengths and concerns that must be built upon and accommodated to have a successful program:

- ° The Army Guard and Highway Patrol only go where they are invited. The SBI has both the need and ability to go anywhere within the State, with or without invitation.
- ° Everyone wants help during peak periods but it is most productive to concentrate efforts in those areas most likely to produce results.
- ° The Army Guard needs to be able to schedule well in advance because they are coordinating and scheduling citizen soldiers.
- ° The SBI is unable because of staffing to provide ground support.
- ° There is a possibility the Army Guard may lose either their grant funds or equipment but they have access to other equipment.
- ° The Army Guard can provide ground support and more flying time at less cost to the State. As they become more practiced, their efficiency is growing.
- ° The State Patrol has quality pilots that are flying missions around the State and a good working rapport with many sheriffs.
- ° The SBI has three planes, trained/experienced pilots, widespread intelligence, ability to do investigatory follow-up with sheriffs.
- ° The Army Guard already is required to assist customs and is the one agency whose primary mission is to support.

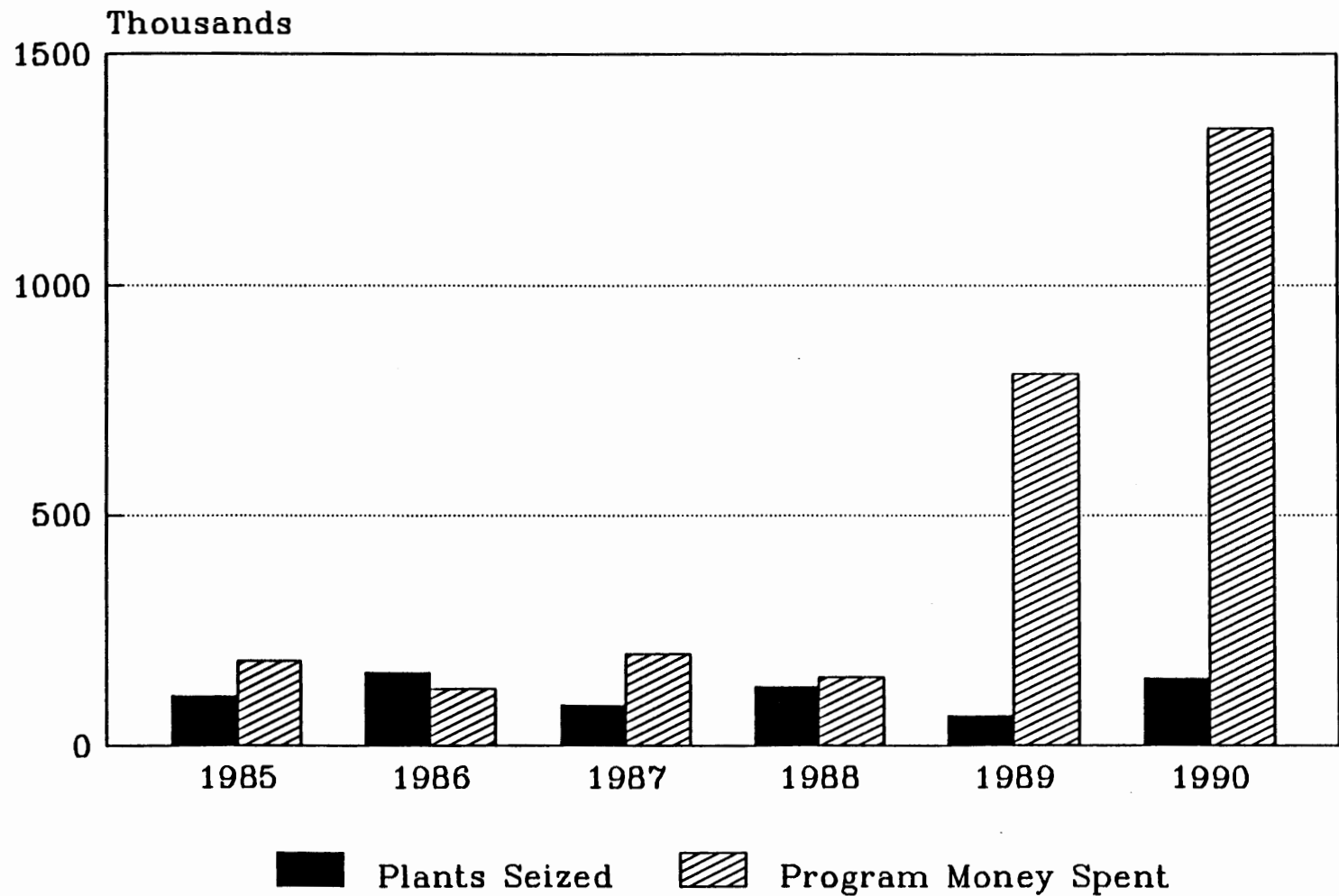
While it is possible the large Federal grant may be lost in the future by the Guard, it makes good sense for both the Guard and the State to take advantage of this money while it is available. This program allows the filling of two missions, that is, eradication and personnel training.

Also, please note, as shown on Chart 1, resources devoted to eradication have increased dramatically yet the number of plants seized has stood still. This data proves more than anything the need for coordinated and targeted drug enforcement.

RECOMMENDATION #2: Merge the State Bureau of Investigation (SRI) and Alcohol & Liquor Enforcement (ALE).

This is the most important recommendation to the success of current and future law enforcement efforts to combat drugs and the enforcement of the criminal code. This recommendation addresses several of the problems facing the State in regards to issues of staffing, authority and coordination. Liquor as the most abused drug ought to be part of a division for the enforcement of alcohol and other drug laws. This is a natural flow of effort whether in enforcement or prevention efforts. While it is still

# N.C. Eradication Program 1985- 1990



|      | Total<br>Plants | Local<br>Plants | SBI<br>Plants | SBI<br>DEA Funds | SBI<br>Spent | NCNG<br>Spent | Total<br>Spent |
|------|-----------------|-----------------|---------------|------------------|--------------|---------------|----------------|
| 1985 | 106,887         |                 |               | 85,000           | 183,537      | n/a           | 183,537        |
| 1986 | 158,443         |                 |               | 115,000          | 123,528      | n/a           | 123,528        |
| 1987 | 89,273          |                 |               | 115,000          | 198,949      | n/a           | 198,949        |
| 1988 | 129,158         | 38,043          | 91,115        | 115,000          | 148,888      | n/a           | 148,888        |
| 1989 | 66,558          | 22,514          | 44,044        | 115,000          | 149,364      | 659,000       | 808,364        |
| 1990 | 145,916         | 103,729         | 42,187        | 120,000          | 120,000      | 1,220,000     | 1,340,000      |

prevalent practice in the Southeastern States to have a State Liquor Enforcement Agency, the prevalent practice throughout the rest of the country is towards local control and enforcement. In many cases, States have a small regulatory agency and a small number of enforcement agents to address severe problems. The bulk of liquor law violations are done by the rest of the law enforcement community. This is also true in North Carolina even though there are 86 ALE enforcement agents. For example, based upon the 1989 Criminal Justice Sourcebook on Statistics, 24,291 liquor law violation arrests were made in North Carolina and ALE 1989-90 statistics indicate they made approximately 8,000 arrests for liquor law violations. These figures indicate that about two-thirds of all liquor law arrests are being made by other law enforcement agencies. This is not intended to indicate that ALE is not doing a good job but rather the majority of alcohol law violations are already being written by other agencies. There is already 150 local boards with approximately 40 of the boards doing their own enforcement. As another example, in 1989 in the State of Arizona, 25,460 liquor law arrests were made, but Arizona employs only twelve agents. In fiscal year 1989-90, the ALE completed the following:

|   |        |
|---|--------|
| ° License application investigations      | 5,635  |
| ° Written inspections of licensed outlets | 16,209 |
| (There are 15,169 total licenses in N.C.) |        |
| ° Code violations reported to ABC         | 950    |
| ° Written warning to licensed outlets     | 1,436  |
| ° Arrests                                 | 8,094  |
| ° Prevention presentations                | 919    |

It is clear from these figures the regulating of the liquor code (ABC laws) is not the overwhelming workload for ALE agents but that enforcement is very strong on liquor law violations, i.e. Sales to minors, DWI, unlawful possession and consumption, etc. The regulatory part of the ALE mission could easily be assumed by a division within a merged ALE and SBI. The enforcement effort just naturally follows as does the already active enforcement of other law enforcement agencies.

On the other hand, when looking at the workload/caseload of the SBI for 1990, one is immediately struck by the large number of severe/violent crimes. For example, 232 homicides, 381 arsons, 43 assaults with weapons and 44 rape cases. In total, the SBI worked, in conjunction with others, 3,676 criminal cases. It is also important to note serious crime is growing in North Carolina. From 1986 to 1989, all crime grew by 28 percent, Part I crime by 23 percent and violent crime by 22 percent. The number of people sent to prison increased 29 percent during this time frame. A review of current staffing indicates there are approximately 150 agents assigned to investigate cases in the various districts with anywhere from 50-70 of these agents assigned to work drugs at any time. (These figures vary from time to time and depend upon whether all positions are filled.)



Many of these agents also fill other duties, i.e. DARE, polygraph, etc. Two things become immediately apparent:

- ° There are not enough agents to adequately investigate 3,676 criminal cases without either additional personnel and/or better case management/closure.
- ° 50-70 agents working drugs in the State is not enough to have a major impact.

Because of the obvious workload issues identified, one must ask: Can the State afford to continue to finance the status quo or must it alter its priorities and direct them to more serious crimes and drug enforcement?

The following is a brief list of other reasons for merging the ALE with the SBI:

- ° There is a need and desire to get a greater impact on drug use and sales. This merger provides the opportunity to structure current resources to deal with current problems, at no additional cost.
- ° ALE is already doing some drug enforcement. (1255 arrests for narcotics violations in FY 89-90)
- ° SBI is already informally recognized as the State's lead agency and can with additional resources easily expand its drug enforcement efforts.
- ° The transition should not be a particularly difficult one.
- ° Liquor establishments are a national source of intelligence information that becomes more available to State enforcement efforts.
- ° SBI is already involved with the DARE prevention program which can work in conjunction with the prevention programs of the ALE.
- ° The State gains a great deal of flexibility and economy of numbers enabling them to adapt to future and changing problems.
- ° Stops the controversy of whether the ALE should have total enforcement powers.

The negative side to this merger could be resistance from the liquor industry who may be fearful of change and from such groups as MADD and SADD who may perceive this as a reduction in enforcement of liquor laws and codes. This merger does not have to reduce enforcement and prevention

efforts and should not. In fact, with proper staffing throughout the State, this reorganization should be more response to the needs of local police and sheriff's departments in all aspects of law enforcement.

RECOMMENDATION #3: Use the Governor's Crime Commission as a catalyst for the accomplishing of the State Drug Enforcement Goals. As a sub recommendation, the commission and State should continue and enhance the efforts of multi-jurisdictional task forces.

Approximately ten million dollars are being granted and administered through the Governor's Crime Commission. These grants have and can continue to direct the efforts of law enforcement in the enforcement of drug laws. Each State administering Federal Formula Grant Funds must develop a State plan. The Commission has developed a very good plan which in many ways parallels or shares concerns similar to the Governor's Drug Board. There appears to be a very good opportunity to merge the efforts of the Governor's Drug Board and the Commission into a strategy designed to direct the drug enforcement efforts of the entire State. For example:

- ° The commission already funds several multi-jurisdictional Task Forces. This effort needs to continue and be strengthened.
- ° The commission currently and in the past has funded programs to increase the intelligence capability of the SBI. This effort needs to continue and be expanded and shared as part of the task force efforts.

The key to the success of this recommendation is that key people from relevant agencies come together and commit their agency to shared goals and cooperate in a Statewide effort. Other states have used this process to enforce their efforts and find it very successful. (Tennessee, Nebraska, Alabama, Texas, Kansas).

Earlier in this report a list of drug enforcement strategies was presented, one of which was multi-jurisdictional Task Forces. All across the country law enforcement officers are finding cases against dealers are getting more difficult to make as the dealers become more sophisticated. It is extremely difficult to impact dealer networks without the use of wire taps or long term undercover agents. The strategy emerging across the country with the greatest potential for destroying dealer networks is the historical grand jury/conspiracy cases. These cases require a great deal of effort, expertise, time and cooperation among multiple jurisdictions, but are very effective. They are probably the best future hope for enforcement efforts against dealer networks.

The Task Forces currently receiving funds from the commission range from the grand jury/historical model to the busting of street dealers. In order to follow up on other recommendations and to expand upon what the Commission is already doing, the statewide plan should consider providing a drug analyst for each Task Force. These drug analysts should be SBI agents that can tie the intelligence systems of the SBI to all Task Forces throughout the State. It is virtually impossible to do grand jury/historical cases without analysts who analyze pen registers, coordinate significant arrests, relate evidence to individuals and incidents and generally tie all known information into usable form for the District Attorney's Office for prosecution. By using drug analysts from the SBI, there is a very good opportunity to expand and coordinate efforts while also training law enforcement officers to step up in complexity to the grand jury/historical Task Force cases. As an aside, the Commission wisely required each Task Force it granted funds to have an SBI agent sitting on its guiding board. This was very well intended; however, in practice the SBI is generally so busy the agent generally brings little to the Task Force and only sits in on quarterly meetings. The analyst would change this to a real hands-on practical assistance.

Finally, consideration should be given to implementing a small program and staff to act as a clearing house for people who are trying to coordinate their efforts in the area of prevention, treatment, education and enforcement. This program would monitor and compile information in relationship to the accomplishment of the State's Drug Goals. This program could be placed in several different places but should be close enough to those policy makers concerned with making sure the implemented plan is effective.

The potential for these recommendations to impact drug enforcement efforts in the State of North Carolina in a cost effective manner largely depends upon the cooperation of the key law enforcement agencies. While it is quite normal to expect resistance to change, these recommendations are in the positive for all concerned. While it may be beyond the scope of these recommendations, it is also important to understand a need by the State to study and evaluate State Statutes relevant to the mission of the SBI and ALE as well as the ABC Code.

Finally, we do not see a need to transfer the State Highway Patrol to the Department of Transportation and do not recommend any such transfer.

STATE OF NORTH CAROLINA

LAW ENFORCEMENT AGENCIES: TERRITORIAL  
AND SUBJECT MATTER JURISDICTION

Drawn from an analysis prepared  
in the N.C. Attorney General's office

STATE OF NORTH CAROLINA  
LAW ENFORCEMENT AGENCIES: TERRITORIAL AND  
SUBJECT MATTER JURISDICTION

Currently, there are ten Executive Branch departments in State government, plus the General Assembly, that have law enforcement agencies under their supervision. Some of these departments, such as Crime Control and Public Safety and Natural Resources and Community Development, have one or more distinct agencies with some separate, and and some overlapping, areas of territorial or subject matter jurisdiction. Other departments, such as Human Resources and Public Instruction, have separate agencies with the same subject matter jurisdiction, but with territorial jurisdiction limited to a specified geographic area.

The following is a synopsis, including applicable statutory citations, of the territorial and subject matter jurisdiction of these law enforcement agencies. This synopsis only includes those agencies defined as "[c]riminal justice agencies" under G.S. 17C-2, with the exception of State correctional agencies, juvenile justice agencies, and probation and parole officers. This synopsis only includes those agencies with criminal justice officers with the powers of arrest, and not merely investigatory powers.

Therefore, all of the listed agencies are subject to the provisions of Chapter 17C of the General Statutes and the Criminal Justice Education and Training Standards Commission. The "special peace officers" (i.e. Museum of Art guards) under Cultural Resources are included in this synopsis; however, they are the only agency listed in this synopsis that have officers under G.S. 74A (the company police statute) which comes under Chapter 17C.

This synopsis is set forth alphabetically by Executive Branch department, then the General Assembly.

DEPARTMENT OF ADMINISTRATION

State Capital Police:

The powers and duties of the Secretary of Administration are set forth in G.S. 143-340. G.S. 143-340(21) states that the Secretary has the power "[t]o serve as a special police officer. In that capacity, the Secretary has the same power of arrest as the police officers of the City of Raleigh and has the same territorial jurisdiction as an officer.

Additionally, the Secretary has the authority of a deputy sheriff on property owned, leased, or maintained by the State located in Wake County.

G.S. 143-340(22) gives the Secretary the power to appoint as special police officers "such reliable persons as he may deem necessary" and such officers have the same power of arrest as conferred on the Secretary in subdivision (21).

#### DEPARTMENT OF COMMERCE

##### Ports Authority Division:

G.S. 143B-461 sets forth the jurisdiction of the State Ports Authority. Their jurisdiction extends to all properties owned by, or under the control of, the authority within the State's harbors and seaports, those parts of all tributary streams flowing into such harbors and seaports in which the tide ebbs and flows, and the outer edge of the outer bar at such harbors and seaports.

The provisions of Chapter 20 (the motor vehicle laws) are made applicable to the streets, alleys, and driveways on the properties owned by, or under the control of, the authority by G.S. 143B-461(b).

G.S. 143B-461(d) authorizes the Executive Director of the Authority to appoint "such number ... as he may think proper" of employees as special policemen who shall have the powers of "policemen of incorporated towns." These special policemen "shall have the power of arrest of persons committing violations of State law or any rules, regulations and ordinances lawfully adopted by the Authority."

#### DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

##### Alcohol Law Enforcement Division:

Chapter 18B of the General Statutes sets forth the Alcoholic Beverage and related laws. Article 5 of Chapter 18B deals with enforcement, including statewide and local ABC officers.

G.S. 18B-500 requires the Secretary of Crime Control and Public Safety to appoint alcohol law enforcement agents. An ALE agent has the authority to arrest and "take other investigatory and enforcement actions" for any criminal offense. The statute states that the "primary responsibility of an agent shall be" enforcement of Chapter 18B and Article 5 of Chapter 90 (the controlled substance laws). Agents are specifically given the power to "perform any law enforcement duty assigned by the Governor and the Secretary."

#### Butner Public Safety Division:

G.S. 122C-408 gives the Secretary of Crime Control and Public Safety the authority to employ "special police officers" for the Camp Butner reservation. The territorial jurisdiction of these officers includes Camp Butner, the Lyons Station Sanitary District, and a specified portion of land in Granville County adjoining these two areas. The Secretary is empowered to create a public safety department for that territory.

These special police officers are given the authority of deputy sheriffs of Durham and Granville Counties, in those counties. The officers have the primary responsibility of enforcing the laws of North Carolina within their territorial jurisdiction and any ordinance or regulation applicable to that territory. They also have the powers of firemen set forth in Articles 3, 5 and 6 of Chapter 69.

Any criminal or civil process to be served within their territorial jurisdiction must be served by these officers.

#### Highway Patrol Division:

The subject matter jurisdiction of the Highway Patrol is found in two separate sections of Chapter 20 (the motor vehicles laws). G.S. 20-49 grants certain powers to both the officers of the Division of Motor Vehicles and the Highway Patrol. Basically, this power is the authority to enforce any and all laws regulating the operation of vehicles or the use of the highways. These areas are enumerated in G.S. 20-49(1) through (9).

G.S. 20-188 specifically addresses the duties of the Highway Patrol. The primary responsibility of these officers is the regular patrol of the highways of the State and "enforce all laws and regulations respecting travel and the use of vehicles upon the highways...". These officers are given the power and authority of "peace officers" for the service of any warrant or other process issuing from any court of the State having criminal jurisdiction and to arrest without warrant any person who, in the presence of the officer, is in violation of any law "regulating travel and the use of the highways". Their territorial jurisdiction is "anywhere within the state, irrespective of county lines". They are specifically empowered to enforce G.S. 14-399 (the littering law).

The Highway Patrol also is given the full power and authority to perform "such additional duties as peace officers and may from time to time by the Governor and may, at any time, with or without special authority, arrest persons accused of highway robbery, bank robbery, murder, or other crimes of violence.

In addition to these duties, powers, and authority, they have "the authority throughout the State of North Carolina of any police officer" in respect to making arrests for any crimes committed in their presence or to make arrests for any crime committed on the highway.

#### DEPARTMENT OF CULTURAL RESOURCES

G.S. 121-10 empowers the Governor, upon application of the Secretary of Cultural Resources, to commission employees of the Department as "special peace officers". Such officers may enforce the laws, rules, and regulations enacted or adopted for the protection, preservation and government of State historic or archaeological properties under the control or supervision of the Department. They have the power of arrest, with warrant, for any person violating any of the above.

These officers are required to post a bond.

#### DEPARTMENT OF HUMAN RESOURCES

Black Mountain Complex (i.e. Black Mountain Center, Alcohol Rehabilitation Center, and the Juvenile Evaluation Center); Broughton Hospital; Caswell Center; Central School for the Deaf; Cherry-O'Berry Hospital; Dorothea Dix Hospital; Western Carolina Center;

Each of the officers at these specified units have the same territorial and subject matter jurisdiction for their respective specified areas as set forth above under Butner Public Safety Division (G.S. 122C-183).

Additionally, G.S. 122C-421 gives the Secretary of Human Resources the authority to establish a "joint security force" with "the same powers as peace officers now vested in sheriffs" within the territory of the Black Mountain Complex.

#### DEPARTMENT OF INSURANCE

G.S. 58-9.2 provides that "[a]ll examinations, investigations and hearings ... may be conducted by the Commissioner of Insurance personally or by one or more of his ... investigators ... designated by him for the purpose." Upon determination of a criminal violation of the insurance laws, investigators are given the authority to "arrest with warrant or cause such person or persons to be arrested."

Their powers are limited to Chapter 58 (the insurance laws).



DEPARTMENT OF JUSTICE

Bureau of Investigation:

G.S. 114-12 sets forth the powers and duties of the Bureau as being the identification of criminals, the apprehension of criminals, the scientific analysis of evidence of crime, the investigation and preparation of evidence to be used in criminal courts, the investigation of criminal matters "herein mentioned", and such other crimes and criminal procedure as the Governor may direct.

Note: The SBI was transferred to the Department by G.S. 143A-51 as part of the State government reorganization of 1971. The jurisdictional statutes still refer to "the Governor" in many areas. In some of these areas, the use of the term is still applicable. In other areas "Attorney General" or "Department of Justice" should be substituted or the term should be merely deleted.

Although G.S. 114-12 sets forth the "powers and duties", G.S. 114-14 is entitled "[g]eneral powers and duties of Director and assistants." (The Director is given the power to appoint "assistants" in G.S. 114-13.) They are given the same power of arrest "as is now vested in the sheriffs of the several counties." Their jurisdiction is statewide. They are required ("at the request of the Governor") to give assistance to sheriffs, police officers, district attorneys, and judges "when called upon by them and so directed."

They are also required to give assistance to the office of the Department of Correction in the investigation of cases pending before the parole office and of complaints lodged against parolees, "when so directed by the Governor."

The investigation of criminal matters ("herein mentioned") referred to in G.S. 114-12 are enumerated both specifically and by reference to statute numbers.

G.S. 14-15 requires the Bureau ("through its Director and upon request of the Governor") to investigate and prepare evidence in the case of any:

- 1) lynching or mob violence,
- 2) election fraud (at request of the Board of Election),
- 3) fraud arising under the "Social Security Laws of the State", and
- 4) violations of the gambling, lottery and similar laws.

The Bureau is authorized to investigate without request:

- 1) "the attempted arson of, arson of, damage of, theft from, or theft of, or misuse of, any State-owned personal property, buildings, or other real, property, and
- 2) any assault upon or threats against any legislative officer (named in G.S. 147-2(1), (2), or (3)), or any executive officer named in G.S. 147-3(c)).

The Bureau is also authorized at the request of the Governor to conduct a background search on the person that the Governor plans to nominate for a position that must be confirmed by either or both houses of the General Assembly with certain specified limitations. (Note: these specified limitations were added by the 1987 Session Laws.)

Further, the Bureau is authorized, upon the request of the Governor or the Attorney General, to investigate the commission or attempted commission of the crimes defined in the following statutes:

- 1) All sections of Article 4A of Chapter 14 of the General Statutes (prohibits secret societies and related activities);
- 2) G.S. 14-277.1 (communicating threats);
- 3) G.S. 14-277.2 (prohibits weapons at parades);
- 4) G.S. 14-283 (prohibits the exploding of dynamite cartridges or bombs);
- 5) G.S. 14-284 (prohibits sale of, or keeping for sale, explosives without a license);
- 6) G.S. 14-284.1 (regulation of sale of explosives);
- 7) G.S. 14-288.2 (prohibits riots and inciting to riot);
- 8) G.S. 14-288.7 (prohibits transporting dangerous weapons or substance during emergency);
- 9) G.S. 14-288.8 (prohibits manufacture, assembly, possession, etc. of weapon of mass destruction); and
- 10) G.S. 14-288.20 (prohibits certain weapons at civil disorders).

(Note: This paragraph of the statute was inserted by the 1987 Session Laws.)

The Attorney General, through the State Bureau of Investigation, has the duty to investigate the cause, origin, and circumstances of every fire whether the result of carelessness or design. This authority is set forth in G.S. 69-1 and is in conjunction with the chief of the fire department or chief of police in municipalities and the county fire marshall and the sheriff and the chief of the rural fire department outside municipalities, whichever is applicable to the circumstances. The Attorney General, through the Bureau, has the right to supervise and direct the investigation when deemed expedient or necessary.

It is the duty of the Attorney General to examine, or cause examination to be made, into the cause, circumstances, and origin of all fires occurring within the State to which his attention has been called in accordance with the provisions of G.S. 69-1, or by interested parties, by which property is accidentally or unlawfully burned, destroyed, or damaged, whenever in his judgment the evidence is sufficient, and to specially examine and decide whether the fire was the result of carelessness or the act of an incendiary. The Attorney General shall, in person, by deputy or otherwise, fully investigate all circumstances surrounding such fire. This authority is set forth in G.S. 69-2. If the Attorney General or any deputy appointed to conduct such investigations, is of the opinion that there is evidence to charge any person or persons with the crime of arson, or other willful burning, or fraud in connection with the crime of arson or other willful burning, he may arrest with warrant or cause such person or persons to be arrested, charged with such offense, and prosecuted, and shall furnish to the district attorney of the district all such evidence, together with the names of witnesses and all other information obtained by him, including a copy of all pertinent and material testimony taken in the case.

G.S. 69-3 gives the Attorney General, or his deputy appointed to conduct such examination, the powers of a trial justice for the purpose of summoning and compelling the attendance of witnesses to testify in relation to any matter which is by provisions of this Article a subject of inquiry and investigation, and may administer oaths and affirmations to persons appearing as witnesses before them. False swearing in any such matter or proceeding is perjury and shall be punished as such. The Attorney General or his deputy has authority at all times of the day or night, in performance of the duties imposed by the provisions of this Article, to enter upon and examine any building or premises where any fire has occurred, and other buildings and premises adjoining or near the same. All investigations held by or under the direction of the Attorney General or his deputy may, in their discretion, be private, and persons other than those required to be present by the provisions of this Article may be excluded from the place where the investigation is held, and witnesses may be kept apart from each other and not allowed to communicate with each other until they have been examined.

G.S. 69-3.1 states that the failure of a person to comply with a summons or subpoena of the Attorney General or his deputy under G.S. 69-3 shall be brought before a court of record and punished as for contempt in the same manner as if he had failed to appear and testify before said court of record.

DEPARTMENT OF ENVIRONMENTAL HEALTH AND NATURAL RESOURCES

Forest Resources Division:

G.S. 113-55.1 gives the Secretary of Natural Resources and Community Development the authority to appoint "forest law enforcement officers". These officers have the powers and the duties of a forest ranger as enumerated in G.S. 113-54 and 113-55.

The powers and duties of forest rangers include full charge of measures to control forest fires, protection of forests from pests, and the development and improvement of forests. They are also authorized to issue and serve citations and warning tickets for offenses under the forest laws, but the statute [113-55] clearly states that this power is not intended to confer the power of arrest on forest rangers and does not make them criminal justice officers within the meaning of G.S. 17C-2.

The forest law enforcement officers also have the "powers of peace officers to enforce the forest laws." Additionally, this statute (G.S. 113-55.1) specifically authorizes these officers to arrest without warrant any person or persons committing any crime in his presence or whom such officer "has probable cause for believing has committed a crime in his presence". They also have the authority to "obtain and serve warrants including warrants for violation of any duly promulgated regulation" of the Department.

The "forest laws" are enumerated in G.S. 113-53.1.

Note: For clarification purposes, all "forest rangers" (whose powers and duties are enumerated in G.S. 113-54 and 113-55) are excluded from the provisions of Chapter 17C or regulations adopted by the Criminal Justice Education and Training Standards Commission. "Forest law enforcement officers" are not so excluded.

Marine Fisheries Division:

"Marine Fisheries Inspector" is defined in G.S. 113-128 (5b) as being "[a]n employee of the Department, other than a wildlife protector, sworn in as an officer and assigned duties which include exercise of law enforcement power under this subchapter" (conservation laws).

These inspectors are granted by G.S. 113-136 the powers of peace officers anywhere in this State, and beyond its boundaries to the extent provided by law, in enforcing all matters within their subject matter jurisdiction. Their subject matter jurisdiction (as well as that of wildlife protectors) is set forth in this section and includes all matters set forth in this subchapter (conservation laws and jurisdiction of wildlife protectors, marine fisheries inspectors, forest rangers, and forest law enforcement officers, and park rangers), Part 5A of Article 7 of Chapter 143B (the Marine Fisheries Commission), Article 5 of Chapter 76 (the general provisions for navigable waters), Article 2 of Chapter 77 (obstructions in streams), and all offenses involving property of or leased by the Department in connection with the conservation of marine and estuarine resources.

These officers are additionally authorized to arrest without warrant for felonies, breaches of the peace, assaults upon them or in their presence, and for "other offenses evincing a flouting of their authority as enforcement officers or constituting a threat to public peace and order which would tend to subvert the authority of the State if ignored". They are also authorized, subject to the direction of their administrative supervisors, to arrest for violations of G.S. 14-223 (prohibits resisting an officer), G.S. 14-225 (prohibits false reports to police broadcasting stations), G.S. 14-269 (prohibits carrying a concealed weapon), G.S. 14-277 (prohibits impersonating a law enforcement officer).

These officers may serve arrest warrants, search warrants, orders for arrest, criminal summonses, subpoenas, and all other process connected with any case within their subject matter jurisdiction. They are also authorized to stop temporarily any person they reasonably believe to be engaging in an activity regulated by their agency to determine whether such activity is being conducted within the requirements of the law.

G.S. 113-137 gives these officers the authority to search the person and the surrounding areas if that person is arrested for an offense for which the officer has enforcement jurisdiction for weapons and for fruits, instrumentalities, and evidence of any crime for which the person arrested is or might have been arrested.

Note: G.S. 113-138 gives the Marine Fisheries Commission the power to confer law enforcement powers over matters within its jurisdiction upon the employees of the National Marine Fisheries Service.

#### Parks and Recreation Division:

Under G.S. 113-28.1, upon application of the Secretary of Environmental Health and Natural Resources, the Governor is authorized to commission "special peace officers" to enforce the laws, rules and regulations enacted or adopted for the protection and government of State parks, lakes, reservations and other lands or waters under the control or supervision of the

Department. G.S. 113-28.2 gives these officers the power of arrest with warrant for a violation of any of the above. They also have the power to pursue and arrest without warrant any person violating any of the above in the presence of the officer.

These officers are required to post a bond.

#### Wildlife Resources Commission:

"Wildlife Protector" is defined in G.S. 113-128(9) as being "[a]n employee of the North Carolina Wildlife Resources Commission sworn in as an officer and assigned duties which include exercise of law enforcement powers."

These protectors are granted by G.S. 113-136 the powers of peace officers anywhere in this State, and beyond its boundaries to the extent provided by law in enforcing all matters within their subject-matter jurisdiction. Their subject matter jurisdiction (as well as that of marine fisheries inspectors) is set forth in this section and includes all matters within the jurisdiction of the Wildlife Resources Commission, whether set out in Chapter 113 (conservation and development), Chapter 75A (boating and water safety), Chapter 143 (general powers, duties and responsibilities of NRCD), and Chapter 143B (general provisions for executive organization; Part 3 of Article 7 is the Wildlife Resources Commission).

Note: The Wildlife Resources Commission is specifically granted jurisdiction over all aspects of: 1) boating and water safety, 2) hunting and trapping, 3) fishing (exclusive of fishing under the jurisdiction of the Marine Fisheries Commission), and 4) activities in certain woodlands and on certain inland waterways (governed by G.S. 113-60.1 through 60.3).

In addition, protectors have jurisdiction over all offenses involving property of or leased by the Commission on Wildlife refuges, game lands, or boating and fishing access areas managed by the Commission, and on public hunting grounds (governed by G.S. 113-264(c)).

These officers are additionally authorized to arrest without warrant for felonies, breaches of the peace, assaults upon them or in their presence, and for "other offenses evincing a flouting of their authority as enforcement officers or constituting a threat to public peace and order which would tend to subvert the authority of the State if ignored." They are also authorized, subject to the direction of their administrative supervisors, to arrest for violations of G.S. 14-223 (prohibits resisting an officer), G.S. 14-225 (prohibits false reports to police broadcasting stations), G.S. 14-269 (prohibits carrying a concealed weapon), G.S. 14-277 (prohibits impersonating a law enforcement officer).

These officers may serve arrest warrants, search warrants, orders for arrest, criminal summonses, subpoenas, and all other processes connected with any case within their subject matter jurisdiction. They are also authorized to stop temporarily any person they reasonably believe to be engaging in an activity regulated by their agency to determine whether such activity is being conducted within the requirements of the law.

G.S. 113-137 gives these officers the authority to search the person and the surrounding area for weapons and for fruits, instrumentalities, and evidence of any crime for which the person arrested is or might have been arrested if that person is arrested for an offense for which the officer has enforcement jurisdiction.

Note: G.S. 113-138 gives the Wildlife Resources Commission the right to confer law enforcement powers over matters within its jurisdiction upon employees of the United States Fish and Wildlife Service.

#### DEPARTMENT OF PUBLIC INSTRUCTION

The University of North Carolina:

G.S. 116-40.5 states that the Board of Trustees of any constituent institution of the University of North Carolina may establish a campus law enforcement agency and employ campus police officers. Such officers are required to meet the requirements of Chapter 17C. They have "all the powers of law enforcement officers generally." Their territorial jurisdiction includes all property owned or leased to the institution and that portion of any public road or highway passing through such property and immediately adjoining it.

The Board also has the power to enter into joint agreements with municipalities and counties (with the consent of the sheriff) to extend the law enforcement authority of the campus police officers into any or all of the municipalities or counties jurisdiction.

Currently (as of May 1, 1989), the following institutions have exercised this power:

- 1) N.C. State University,
- 2) U.N.C. - Charlotte,
- 3) U.N.C. - Greensboro,
- 4) U.N.C. - Wilmington, and
- 5) Western Carolina University.

NOTE: Those institutions with campus police officers whose Board of Trustees have not elected to create an agency under the requirements of Chapter 17C remain as "company police" under the requirements of G.S. 74A.

DEPARTMENT OF THE SECRETARY OF STATE

Securities Division:

G.S. 78-21 provides that the "Administrator may make investigations, within or without this State," and "may appoint ... law enforcement agents" to investigate possible violations within the subject matter of this Chapter and territorially throughout the State. These agents have "all the power and authority possessed by law enforcement officers when executing an arrest warrant."

DEPARTMENT OF TRANSPORTATION

Motor Vehicle Division:

G.S. 20-49 states that "[t]he Commissioner of Motor Vehicles and such officers and inspectors of the Division as he shall designate and all members of the Highway Patrol shall have the power "to enforce the enumerated areas set forth in this statute. These powers, unlike the subject matter jurisdiction of the Highway Patrol, are limited to Chapter 20 (the motor vehicle laws). This statute gives these officers the power of peace officers for enforcing the provisions of Chapter 20, the power to make arrests upon view and without warrant for any violation of Chapter 20, and the power to serve warrants relating to the enforcement of Chapter 20.

GENERAL ASSEMBLY

Legislative Services Office:

G.S. 120-32.2 provides that all members of the State Legislative Building security force are "special policemen" and have the same powers within the State Legislative Building and upon its grounds as policemen of incorporated towns. Their jurisdiction also includes the Legislative Office Building.

GENERAL PROVISIONS  
APPLICABLE TO ALL STATE  
LAW ENFORCEMENT AGENCIES

All State law enforcement officers, regardless of whether their jurisdictional statutes make a specific grant, have the power to detain a person under certain circumstances. These are the same powers granted to a private person.



Although no private person may arrest another person (except as provided in G.S. 15A-405, below), a private person may "detain" another person. G.S. 15A-404 provides that a private person may detain another person when he has probable cause to believe that the person detained has committed in his presence:

- 1) a felony,
- 2) a breach of the peace,
- 3) a crime involving physical injury to another person, or
- 4) a crime involving theft or destruction of property.

The detention must be in a reasonable manner considering the offense involved and the circumstances of the detention." The detention may be no longer than the time required to (1) make a determination that no offense has been committed, or (2) surrender the person to a law enforcement officer, whichever may be earlier.

This power is available to a law enforcement officer just as it is to any to any other person.

Additionally, G.S. 15A-405 provides that a private person can assist a law enforcement officer, at his request, to effect an arrest or prevent an escape from custody. The private person has the same authority as the officer making the request and does not incur civil or criminal liability for an invalid arrest unless he knows the arrest is invalid. All benefits available to a law enforcement officer are available to such private citizen.

This power is also available to a law enforcement officer.

Therefore, regardless of whether an officer has been specifically granted jurisdiction for a particular matter, if the circumstances meet the requirements of G.S. 15A-405, he may detain the person for a reasonable time and, if requested to do so by a law enforcement officer with jurisdiction, may arrest the person or assist in preventing his escape.

A STUDY OF LAW ENFORCEMENT  
IN THE DEPARTMENT  
OF MOTOR VEHICLES

## INTRODUCTION

The Legislature's RFP points out that there are three (3) types of enforcement positions employed by the Division of Motor Vehicles: Law Enforcement Officer, Vehicle Enforcement Officer and Motor Vehicle Process Officer. The authorization for the positions is contained in Chapter 20 of the General Statutes and enforcement responsibilities are specifically designated by G.S. 20-40 and G.S. 20-383.

Vehicle Enforcement Officers perform regulatory work in the enforcement of weight, size and safety laws that regulate inter-State and intra-State trucking.

Law Enforcement Officers enforce State laws and regulations that refer to the operation and sale of motor vehicles.

Motor Vehicle Process Officers are responsible for serving driver license and license plate revocations and to comply with the 1989 Session Laws; these positions will also handle service related to bad checks to the Division of Motor Vehicles.

Additionally, as an extension of G.S. 20-283, designated Motor Vehicle Process Officers are authorized to enforce the Federal Motor Carrier Safety Regulations that apply to drugs and alcohol.

In order to determine that the best use of almost 500 enforcement personnel assigned to DMV, the Legislature has asked for a review of jurisdiction, efficiency and effectiveness. Thus, it requested that the following be addressed:

- 1) Compare and analyze the statutory authority that allows officers in DMV and Highway Patrolmen to enforce alcohol and drug laws.
- 2) Determine whether revisions to the law are necessary to clarify responsibility and designate coordination of responsibility.
- 3) Evaluate the efficiency and effectiveness of the enforcement programs in the DMV.

## METHODOLOGY

The incumbents of the three classes specified above were asked to fill out Job Analysis Questionnaires, which were reviewed to establish a pay grade relative to all other jobs in North Carolina State Law Enforcement. A sample of incumbents filled out Task Analysis Questionnaires

which were analyzed to reveal the specific content of their jobs compared to 20 other law enforcement agencies and/or classes. Finally, we conducted a workload analysis study based on two annual reports provided us by DMV. Our analysis was conducted to identify possible content differences between the three classes, assess the appropriateness of sworn status for all or any of the three classes, and the efficiency and effectiveness of their operations.

#### FINDINGS AND RECOMMENDATIONS

We have examined the reported commercial vehicle enforcement workload/output of the NC DMV Enforcement Unit\* and learned that in the past two fiscal years, the total enforcement action of the Enforcement Unit was 30,612 in FY-89 and 32,502 in FY-90. We then compared this output to other Southeastern states and found the following data displayed in Table 1.

TABLE 1

#### Regional Truck Enforcement in FY 90

| <u>State</u> | <u>Host Organization</u> | <u>Officers Assigned</u> | <u>Enforcement Actions</u> | <u>Output Per Officer</u> |
|--------------|--------------------------|--------------------------|----------------------------|---------------------------|
| SC           | HP                       | 43                       | 33,646**                   | 801                       |
| GA           | DOT                      | 300                      | 153,700                    | 512                       |
| WV           | DOT                      | 70                       | 12,000                     | 171                       |
| AL           | HP                       | 12                       | 4,000                      | 333                       |
| FL           | DOT                      | 145                      | 53,860                     | 371                       |
| MD           | SP                       | 126***                   | 41,000                     | 325                       |
| VA           | SP/DOT                   | 200                      | 70,260                     | 351                       |
|              | Col. Avg.                | 128                      | 52,638                     | 409                       |
| NC           | DMV                      | 240****                  | 31,557(2yr.avg.)           | 131                       |

- \* 1) Internal report obtained from Unit Chief.  
2) Report of State Automobile Inspectors and Weight Stations for FY 89 and 90, NC DOT.
- \*\* S.C.H.P. truck personnel also enforce traffic laws.
- \*\*\* Includes 28 non-sworn safety inspectors.
- \*\*\*\* Does not include 50 safety inspectors or DMV management staff.

It appears that the NC Motor Vehicle Enforcement Unit has only one third of the output of comparable organizations and yet it has twice the staff. Clearly it is overstaffed.

We recommend, in keeping with our general principle of seeking opportunities to consolidate services, that the DMV Enforcement Unit, its resources and responsibilities, be merged with the State Highway Patrol. Furthermore, we feel that the staff that is incorporated into the Highway Patrol need not exceed 100 to 130 sworn officers, who should become full Highway Patrol Officers. The process of selection and training should be up to the Highway Patrol. When the merger has been completed, a savings of up to \$4,000,000 can be realized without any decrease in fine income, assuming the newly constituted commercial vehicle enforcement unit works to the regional norm of 409 actions per officer.

Furthermore, compared to other states, the fifty safety inspectors currently on staff are probably more than can be successfully absorbed and consideration ought to be given to cutting the number in half.

We also studied the tasks performed by Process Officers and Inspectors and find that they are more regulators than law enforcement personnel. They do not require the power of arrest to exercise their primary duties of inspection, collection of revoked plates and bad checks, etc. In fact, the DMV, according to the Unit Head, discourages taking people into custody, thus calling into question the need for the power of arrest.

These officers are no more exposed to danger than the County Tax Collector and should go about their duties without benefit of sworn status. Nevertheless, we urge that all employees be protected during the transition in terms of benefits but that their powers of arrest be taken away.

If an arrest is necessary, they can obtain an arrest warrant and have a local enforcement agency serve it, just as many other state regulatory agencies do.

Finally, we recommend that Highway Patrol Officers, including the commercial vehicle enforcement unit, be empowered to enforce drug laws on the highways of the State of North Carolina as they come upon them. Any planned effort at interdiction should be coordinated through the SBI.

A STUDY OF STATE BUREAU OF  
INVESTIGATION FORENSIC  
LABORATORY POSITIONS

## INTRODUCTION

The Legislature asked that the law enforcement positions assigned to the SBI Forensic Laboratory be examined to determine whether their duties justified their status as law enforcement officers, with the attendant benefits.

## METHODOLOGY

As described elsewhere in this report, we distributed Job Analysis Questionnaires to each person and requested that they describe their job in whatever detail they determined necessary. Those questionnaires, followed up with face-to-face desk audits, were evaluated as to their appropriate salary grade and classification.

A sample of line and supervisory personnel was also requested to fill out the Task Analysis Questionnaire and indicate which of the tasks they performed, how important they are and when they should be learned. This allowed us to conduct a task by task comparison of job content with other law enforcement personnel and agencies.

Finally, we conducted a national survey of State Forensic Laboratories to identify employment standards, staffing patterns, benefits, and job requirements.

## FINDINGS AND RECOMMENDATIONS

The Job Analysis Questionnaires and Task Analysis Questionnaires clearly define the jobs as primarily technical in nature and not requiring the power of arrest to carry out their primary responsibilities. Our national survey revealed that of the 46\* state labs, the following require sworn status as a condition of employment:

Alabama  
Oklahoma  
Oregon  
South Carolina  
West Virginia  
Tennessee

\* Not including North Carolina.

Of these, West Virginia has started to employ civilian scientists but, as it is at an "experiment" stage, we decided to include it. Furthermore, of the six which require sworn status as a condition of employment, Alabama, Tennessee, and West Virginia offer no Law Enforcement Pension although the regular sworn personnel of those agencies do receive such a benefit.

Clearly, measured on job content and national practice, the SBI Lab personnel should not be law enforcement officers. They should not receive the Law Enforcement Pension, should not carry weapons, and should not receive a clothing allowance. However, we urge that all incumbents be protected during the changeover, although they need not carry weapons and have the power of arrest.

During interviews with SBI leadership, numerous arguments related to status, retention, etc. were made in support of sworn status. However, the only compelling argument made was one which spoke to the point that the cost of non-sworn lab personnel would be higher than sworn personnel because of the Garcia overtime ruling.

To wit, sworn analysts work 171 hours during 13 twenty-eight day pay periods prior to receiving overtime and non-sworn analysts work the same number of hours as sworn analysts but receive overtime for all hours over 40 hours in a week.

This has a surface logic but we are not able to assess whether this is a distinction with a difference. Overtime is requested at the beginning of a pay period in the Lab in anticipation of work and as such we must wonder whether O/T use is a real measure of work to be performed. Field personnel obtain overtime as cases are investigated and we propose that the SBI Lab follow a similar practice.

Furthermore, it is possible that the Garcia ruling could be overturned because of an issue of fundamental unfairness. If that occurs, then the issue is moot. Also, the calculations provided study staff do not include the value of the Special Separation Allowance.

Finally, in those state laboratories in which sworn status is not a condition of employment, the concern over use or cost of overtime is not an issue.



A STUDY OF NATURAL  
RESOURCES LAW ENFORCEMENT  
POLICY AND STAFFING

## INTRODUCTION

The Legislature requested that the scope of work and status of personnel assigned to law enforcement in the Department of Environmental Health and Natural Resources be studied and recommendations made as to amelioration of any problems.

## METHODOLOGY

As described elsewhere, personnel from the following Divisions filled out Job Analysis Questionnaires and Task Analysis Questionnaires:

Wildlife Resources Commission Officers  
Marine Fisheries Division  
Parks and Recreation Officers  
Forest Resources Officers

The questionnaires were analyzed and results compared to other agencies, to each other and determinations made as to pay and classification. (See Section on Compensation and Classification.)

## FINDINGS AND RECOMMENDATIONS

A review of task data (see Task Analysis Summary Report) and job analysis questionnaires reveals that all four are law enforcement officers. As such we recommend that Park Rangers be treated as certified officers and be extended all law enforcement benefits.

We feel this recommendation is appropriate in light of our definition that a law enforcement officer is someone who needs the power of arrest to carry out his primary duties. The primary duties of a Park Ranger are:

1. Environmental Education
2. Resource Management
3. Maintenance
4. Ranger Activity/Law Enforcement

and we do not find that this breadth of work means that a Park Ranger is not a law enforcement officer. Rather, it makes him rather typical of State law enforcement officers.

We also recommend that the five- or six-member Forest Law Enforcement Officer class be abandoned and that the functions and responsibilities of that class be incorporated within the Wildlife Resources Commission. Wildlife Enforcement Officers have much broader visibility and access and forest law enforcement is a natural extension of their work.

A STUDY OF LAW  
ENFORCEMENT TECHNICAL  
ASSISTANCE

## INTRODUCTION

The Request for Proposals stated the study issue as follows:

As a matter of course, State law enforcement agencies' responsibilities include some form of technical assistance, specifically, advising local enforcement agencies on procedural issues, assisting in developing policy and procedures, and providing written material, etc. This service is also provided by the Crime Prevention Division in the Department of Crime Control and Public Safety to local sheriff and police departments throughout North Carolina.

The RFP also specified the scope of work:

1. Determine whether the current structure of providing technical assistance is an appropriate use of time and resources; and
2. Provide recommendations for changes, if needed.

## METHODOLOGY

We prepared and distributed a Technical Assistance Questionnaire (See Exhibit 1) to all the agencies involved in this study. The questionnaire was meant to serve as a guide as to the kind of information we wanted. The responding agencies did not have to use the format.

The questions to which we sought answers were:

1. What technical assistance has your agency provided and to whom did you provide it?
2. When was it provided?
3. Who or what unit in your agency provided the technical assistance?
4. How much time was spent providing it?
5. Is there a cost estimate that you can attach to each instance?
6. Were the recommendations (if there were any) contained in your technical assistance implemented?

7. What technical assistance has your agency been asked to provide but could not? Why?

The responses we received were analyzed as to content and relevance to the questions we asked. We found several agencies counting as technical assistance their providing interpretations of their agency regulations, etc. This, although important, we did not count as technical assistance.

#### FINDINGS AND RECOMMENDATIONS

Technical Assistance is provided primarily by two departments:

Crime Control and Public Safety  
 - Highway Patrol  
 - Crime Prevention Division  
 - Alcohol Law Enforcement

Justice  
 - State Bureau of Investigation  
 - Criminal Justice Academy

Some university police agencies provide useful assistance to local police departments but it is of a limited scope compared to the breadth and quantity provided by the agencies listed above.

A review of the compiled response sheets suggest a fair degree of difference among the types of assistance provided by the subject agencies. For example, SBI provides thousands of hours and numerous services related to criminal investigation:

Criminal Investigative Policies and Procedure  
 Internal Investigation Procedures  
 Fingerprint Training  
 Evidence Handling  
 Forensic Capabilities  
 Evidence Collection  
 Security Procedures  
 Explosives  
 Narcotics Unit Organization

The Highway Patrol has provided assistance worth thousands of dollars related to police radio installation and maintenance to other state law enforcement agencies. Furthermore, NCHP has provided technical assistance in areas such as:

- Driver Training
- Hazardous Materials
- Breathalyzer Repair and Maintenance
- K-9 Team
- Weapons Analysis
- Radio Communication System Maintenance

The North Carolina Justice Academy provided a wide array of training services as well as management/organizational consulting services to many local agencies. They estimate that approximately 5,000 hours of technical assistance is provided each year. Some of the services provided include:

- Teaching assistance to other agencies
- Legal advice to local agencies
- Assistance in local personnel promotional processes
- Assistance to Standards Commission
- Audio Visual Assistance

The Crime Prevention Division of the Department of Crime Control and Public Safety provides significant assistance to local governments and private organizations in areas related to:

- Crime Prevention Programming
- Investigative Techniques
- Child Abuse Training
- Rape Training
- Marijuana Watch
- Business Crimes, etc.

The staff of 14 people at the CPD provide this array of services and presumably are effective although no measure of their effectiveness has been offered. However, we feel that the primary role of a state in crime prevention technical assistance is to make training available to which local jurisdictions send their personnel. Once local people are trained, then they set up programs needed by the local community.

Basic and advanced crime prevention training are available at the Criminal Justice Academy. The NCCJA also provides numerous training programs related to child abuse, rape, investigative methods and just

about any subject local law enforcement agencies need. The NCCJA also has a sophisticated video capability, printing plant and a well organized service delivery system.

We feel that, despite the many activities in which the CPD is involved, the State cannot afford to maintain a special unit of this sort. Not only does it duplicate some services but it may provide operational level assistance which is really the responsibility of the local agency.

We recommend that the CPD be eliminated and its responsibilities for training, programming and distribution of literature be transferred to the CJA.

We think that moving three or four staff positions should suffice to help the CJA to carry out its expanded responsibilities.



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November 28, 1990

TO: All State Law Enforcement Agencies  
- Designated Liaison Person

FROM: Justice and Public Safety Subcommittee  
Joint Legislative Commission on Governmental  
Governmental Operations  
North Carolina General Assembly

RE: Provision of Technical Assistance to Other State  
and Local Law Enforcement Agencies

It is an accepted practice that various state law enforcement agencies provide a variety of technical assistance to other agencies. It may take the form of advice on organizational issues, policies and procedure, training, etc. As part of the State Law Enforcement Personnel Study we are anxious to learn what technical assistance each agency provides and something about that technical assistance. Specifically, since January, 1989,

1. What technical assistance has your agency provided and to whom did you provide it?
2. When was it provided?
3. Who or what unit in your agency provided the technical assistance?
4. How much time was spent providing it?
5. Is there a cost estimate that you can attach to each instance? (Ex: Man Hours x Hourly Rate)
6. Were the recommendations (if there were any) contained in your technical assistance implemented?

**Phone:** \_\_\_\_\_

[illegible]

A STUDY OF STAFFING  
AT BUTNER PUBLIC SAFETY

## INTRODUCTION

The Request for Proposals, in a general statement of intent, asked that the consultants identify and examine instances of possible duplication of services and describe alternative service delivery means. This instruction was general and underlies each of the above sections and drives our recommendations.

The following issues were expected to be addressed:

- What is the nature of staffing in each agency?
- What are the jurisdictional issues?
- Is there overlapping or inefficiency?
- Are the positions classified properly?
- What are alternative staffing patterns?

## METHODOLOGY

In order to assess staffing at Butner Public Safety, we examined numerous documents. We studied the Job Analysis Questionnaires which Butner officers filled out. We also reviewed the Task Analysis Questionnaire responses which were represented in our study separate from those of other agencies. Furthermore, we studied the following internal reports:

Butner Public Safety Operations Manual  
Butner Public Safety Rules and Regulations  
Annual Report - 1988  
Annual Report - 1989  
Mission of the Butner Public Safety Division  
Index Crime Trend Report '90  
Base Budget Review

This information was supplemented with an extended phone interview with the Butner Public Safety Director.

## FINDINGS AND RECOMMENDATIONS

Organized to provide fire and police protection to the Butner territorial jurisdiction, the Sanitation District and related lands,

the agency responsibility comprises:

- Six State Institutions (3,000 patients, residents and inmates)
- One Elementary School
- One Federal Correctional Institute
- N.C. National Guard Range (4,600 acres)
- N.C. State cattle research station (1,300 acres)
- Nineteen industries
- Ninety-five businesses
- Private dwelling units
  - 1,500 homes and apartments
  - 10 mobile home parks
- Department of Agriculture land of several thousand acres

(Total land area subject to patrol is 14,000 acres.)

According to internal documents, BPS has 44 positions as follows:

- Director of Public Safety
- Chief's of Fire and Police Services
- Four specialized positions:
  1. Maintenance Officer
  2. Technical Services
  3. (2) Investigators
- Four Platoons:
  1. (3) Eight-person platoons and
  - (1) Seven-person platoon
- Five telecommunicators
- One secretary

BPS is also responsible for transporting patients from N.C. Memorial Hospital in Chapel Hill to Butner. The rate is approximately 26 per month based on an average of the last four years.

Its general responsibilities are to enforce criminal, traffic and mental health laws plus provide fire protection to the area. County volunteer fire services are available within a five- or six-mile radius for back-up. Local sheriffs' deputies are also available from Durham and Granville Counties for mutual assistance.

In order to understand the scope of work generated within Butner, we studied the calls and types of police and fire services provided over a three-year period. Table One shows the police calls and a breakdown of broad categories. Table Two shows the number of fires for each of three calendar years.

TABLE ONE  
BPS WORKLOAD

|                               | 87 - 88<br>STATE<br>INSTITUTION/AREA |              | 88 - 89<br>STATE<br>INSTITUTION/AREA |              | 89 - 90<br>STATE<br>INSTITUTION/AREA |              |
|-------------------------------|--------------------------------------|--------------|--------------------------------------|--------------|--------------------------------------|--------------|
| CRIMINAL/<br>TRAFFIC          | 129                                  | 581          | 116                                  | 619          | 97                                   | 642          |
| GENERAL<br>SERVICE            | <u>3,907</u>                         | <u>5,635</u> | <u>3,445</u>                         | <u>6,246</u> | <u>3,249</u>                         | <u>7,116</u> |
|                               | 4,036                                | 6,216        | 3,561                                | 6,865        | 3,346                                | 7,758        |
| TOTAL<br>CALLS FOR<br>SERVICE | 10,252                               |              | 10,426                               |              | 11,122                               |              |

TABLE TWO  
FIRE WORKLOAD

| 1987<br>STATE<br>INSTITUTION/AREA |     | 1988<br>STATE<br>INSTITUTION/AREA |     | 1989<br>STATE<br>INSTITUTION/AREA |     |
|-----------------------------------|-----|-----------------------------------|-----|-----------------------------------|-----|
| 84                                | 143 | 97                                | 143 | 68                                | 149 |

Table One reveals that in each of the twelve month periods, crime- or traffic-related work represents approximately three percent of all the work performed at the institutions but around nine percent of the work performed in the surrounding and private areas. Furthermore, services, e.g. parking lot escorts, opening locked car doors, general security functions, etc. are about 97 percent of the "police" work of Butner Public Safety at the institutions and about 90 percent in surrounding areas. Finally, BPS workload occurs 34 percent of the time at the State Institutions and 66 percent of the time in the surrounding and/or private areas.

Table Two shows that a similar proportion of fire calls occurs at the institutions and in the surrounding private areas.

Thus, it is a reasonable conclusion that two-thirds of the resources of BPS are devoted to work that is not institution-related.

There is no doubt in our mind that BPS is a highly motivated organization and is very proud of the work it performs. However, it seems anomalous that the State ought to provide so much of basic police and fire services to what are basically county jurisdictions. It is a judgment whether the State of North Carolina can afford this subsidy (a \$11.8 million annual budget which is offset by a \$268,000 local contribution to the State Treasury). If the State does not seek a more proportionate local offset, e.g. 50 to 60 percent, we urge that Butner Public Safety be disbanded. We recommend that the State lands be turned over to Wildlife Resources for patrol and policing. We recommend that the \$268,000 local offset be returned to the counties and that they provide fire protection services as well as police services to the surrounding private areas. Finally, we propose that non-sworn security personnel (no more than 25) be responsible for the service and security functions which currently occupy 97 percent of the BPS work at the institution.

We estimate that the security staff can be organized and run for less than one million dollars, thus saving more than \$500,000 each year.